

404 Not Found Error: Searching for Truth in Privatized Corrections through Online Material

by

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### **Abstract**

In the last three decades private involvement in correctional service has transformed. Since the 1980s private interest in correctional service has evolved from the delivery of tertiary and secondary services such as transportation, food, and medical services toward the provision of primary services such as design, construction, and complete management of correctional facilities. In an attempt to fill a gap in the literature surrounding correctional privatization, I examine to what extent corporate published online material explores the issue of incarceration, underlying theoretical ideology of prison, and what general and specific information is presented to online readers. Using a content analysis, results indicate inaccurate and incomplete information is presented to online readers culminating with incarceration constructed as *the only* choice to combat crime. Results also indicate strong Neo-liberal doctrine underlining the material, specifically, strong support for continued privatization, offender commodification, continued deregulation of public service, belief in the free market, and the transfer of government to corporate control. Together, these themes highlight the extension of a new economy of the power to punish.

Key words: Corrections; Privatization; Correctional Privatization; Online representation

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## **1. Introduction and Purpose**

To date, research specific to correctional privatization has typically focused on comparative assessments such as cost analyses, quality assessments, meta-analyses, personnel surveys, management assessments, recidivism, programs, education and healthcare. However to the best of current knowledge no research has explored self-published material of corporations that operate private correctional facilities. This paper attempts to fill a gap in private correctional research by utilizing private corporations (who manage correctional facilities) online websites to collect and code content and explore what general and specific information is presented to a large cohort of online users.

The pressure of correctional privatization can be felt close to home as Canada is bearing witness to Conservative criminal justice legislation that mimics that of the United States during the correctional crisis period of the 1980s. The Omnibus Crime Bill (Bill C-10) has been criticised by many social advocates including the John Howard Society (2012), the Elizabeth Fry Society (2012), and the Canadian Civil Liberties Association (2012). Central arguments denounce Bill C-10

changes set out for the Canadian criminal justice system – jail more often, for longer, with more lasting consequences – is a dangerous route that is unsupported by the social science evidence and has already failed in other countries. Indeed, the research suggests that putting an individual in jail for longer will actually increase the likelihood of re-offending. It's hard to see how this Bill will make streets and communities safer. What it will do is needlessly increase the number of people in prison, skyrocketing costs and imposing unjust, unwise and unconstitutional punishments. This is exactly the kind of policy Canada doesn't need. (<http://ccla.org/omnibus-crime-bill-c-10/>)

The guidelines set out in Canada's recently passed Omnibus crime bill reflect America's earlier "Get Tough on Crime", "Law and Order", and "War on Drugs" regime that removed

judicial discretion in favour of determinate sentencing, diluted rehabilitation in penal facilities, and resulted in a prison admission increase from 320 000 in 1980 to 1.5 million in 2008 (Selman & Leighton, 2010). The increased prison population caused severe overcrowding in many prisons across the United States. Unconstitutional conditions was exacerbated by a government that believed in a free market prison solution, in which the competitiveness of corporations was expected to create a “better” correctional system than traditional government run corrections system in which, according to Robert Martinson (1974), nothing works.

The direction of modern day corrections is reminiscent of what Foucault (1995) refers to as the “new economy of the power to punish”. While Foucault’s historical analysis of the transfer of power through various parts of penal machinery provides an excellent starting point for correctionist ideals, modern day corrections have evolved into a business venture via neo-liberal beliefs in privatization, commodification, and hollowing out government responsibilities. While many researchers have studied the emergence of privatization via meta-analyses, qualitative and quantitative studies surrounding key issues (which will be further explained in chapter two), no current research has attempted to explore how this new economy of power presents itself to the online consumer. Furthermore, no research has explored online material pertaining to corrections. This paper will attempt to explore both of these questions.

The combination of a “Get Tough on Crime” mentality alongside a neo-liberal ideology (which will be explained in Chapter 2) caused a correctional privatization surge in the United States. The choice to privatize has been commonly attributed to political ideology, with right wing parties being blamed for reliance on free market solutions to solve ballooning correctional admissions and subsequent costs. As Henry (1999) has argued, “the decision by policymakers to contract out the implementation of their policies to private entrepreneurs is, in short, at least as



much a political decision as it is a managerial and financial one” (p. 44). However, Price and Riccucci (2005) argue that “fiscal conditions and economic factors do not explain why states may choose to privatize... governments tend to publicly justify their decisions to privatize on the basis that it is cost efficient” (pg. 229). The choice to privatize does not inherently depend on political lean, and as Auger (1999) points out, no matter what political affiliation the ruling party subscribes to, prison overcrowding, dwindling budgets, and a “War on Crime” mentality would encourage any political party to privatize.

Canada stands on the edge as Prime Minister Harper has been criticised for opening the door to privatization (Roslin, 2007); yet as shown, the choice to privatize has less to do with political affiliation per se than it does with the passing of aggressive criminal legislation like Bill C-10 and political ideology such as neo-liberalism. Now that aggressive legislation has been ratified in Canada, future administrations, regardless of political party may have few options when confronted with a public that has been told that prison is *the answer*, and with a fiscal reality in which Canadian government can’t afford to build new prisons. In the next few years the table is set for privatization once again in Canadian corrections.

As the potential of correctional privatization grows in Canada it is important to consider how information about correctional privatization, information in general, is disseminated to the public. The online universe is increasing the connectedness of corporations and consumer. Online access means that corporations are able to influence and become visible to large groups of people. A troubling aspect is the impact that corporate influence has upon the new age of consumer. Trends such as “viral marketing” and corporations utilizing only online avenues for product information and sales are a particularity strong indication of the importance of online

information (Edelman, 2007; Rayport, 1996). Furthermore, the Internet as a tool for research is becoming normalized through educational practice and social media.

This paper will examine what general and specific information operators of private correctional facilities present on the online universe, the evolution of Foucault's new economy of power, and the relationship between online content and the continuance of a carceral ideology. In doing so I pose the following research questions:

- 1) What general and specific information is available through private correctional corporations' online webpages?
- 2) In what sense has Foucault's "new economy of power" concept emerged through online content?
- 3) How does the information on these webpages reflect the ideology of incarceration?

These questions will be addressed using a qualitative content analysis using four online webpages of privatized correctional providers whose operations are centralized in the United States.

In chapter two, I will outline the literature surrounding correctional privatization. Here the following topics will be discussed: the causes of America's incarceration binge; the withdrawal of government in favour of a free market solution; and finally, debates surrounding the evaluations of private prison performance.

In chapter three, I outline the historical background of Foucault's new economy of the power to punish. Methodologically, attention will be given to the process of online content analysis, including a detailed explanation differentiating inductive and deductive analytical approaches. Second, I detail the data collection process that was employed with specific

reference explaining how boundaries were established to ensure that research did not go “off track” while still ensuring that data were examined thoroughly.

Chapter four will be a presentation of results. Emergent themes were classified as being either: 1) Major Theme; 2) Minor Theme; 3) Noticeably Absent Theme; and 4) Resulting/Constructed Theme. The definitions of these themes are explained further in chapter three.

In chapter five, discussion and conclusions will be addressed, including a discourse regarding themes that emerged throughout the data. Strengths and limitations of the study will be discussed, with implications for incarceration in Canada being at the forefront of debate. Finally, directions for future research will be suggested before concluding remarks are presented.

## **2. Rise of the Machine**

The factors that led to correctional privatization did not act independently toward its adoption in the United States. Overall this chapter will; 1) discuss the impact of technology, media, and social forces as it changed society and perceptions of crime; 2) review how the re-emergence of the victim, the removal of rehabilitation, and the war on poverty contributed to the formation of aggressive criminal legislation; 3) outline the aggressive criminal justice legislation and specific targets of punitive control; 4) explore the withdrawal of government and the belief in free market corrections; and 5) evaluate various assessments of privatized corrections. In doing so, I set the context for an understanding of how correctional privatization emerged in America.

## **2.1 Technology, Globalization, and the Transformation of the Working Class**

The social and economic progress of the Golden Years (1950-1973) was coming under attack during the criminal crisis period that formed during the late 1970s and into the 1980s. During this crisis period “mass unemployment re-appeared, industrial production collapsed, trade union membership massively declined, and the labour market restructured itself in ways that were to have dramatic social significance in the years to come” (Garland, 2001, pg.81). Due in large part to technology and globalization millions of unskilled, young male populations were unemployed and living off social welfare programs that were developed to ease economic downturn at the end of the Great Depression. The transformation from traditional industrial jobs to industrial jobs that were technologically driven caused what Garland (2001) refers to as “a different kind of employment pattern: one that leaned towards low-paid, part time, usually female workers, or else highly skilled, highly trained graduate employees” (pg.82).

There were also rapid social changes to the family, population geography, and mass media. Women were increasingly rejecting traditional gender roles and becoming active participants in otherwise traditionally male workforce roles. For example, Garland (2001) notes that “in 1941 married women who lived with their husband and worked for pay formed less than 14 per cent of the total female population in the USA. By 1980 they formed more than half” (pg.82). Women who entered the workforce were substantially younger, entering sooner after child birth, and were becoming heads of households previously occupied by men. Indeed in “the space of only forty years, the traditional image of the nuclear family- a married couple living together with children – had come to bear little relation to the real domestic lives of most of the population” (Garland, 2001, pg.83).

Geographical dispersions of populations were also changing during 1940-1973. The ability for individuals to own automobiles caused movement away from inner city living toward exterior-city dwellings (Garland, 2001). The inner-city was destroyed in large part by urban renewal projects which demolished “many of the inner city neighbourhoods that got in the way of the new highways and traffic systems, and rehousing the council tenants in new, high density housing projects” (Garland, 2001, pg.84). These high density areas were occupied primarily by under- or un-employed, young, Black individuals and groups that were left behind the mass-classist “embourgeoisement” (Garland, 2001, pg.79) in which luxuries traditionally reserved for only the rich were being realized by the working and middle class but remaining unattainable for the residents of the grossly over-populated ghetto (Wacquant, 2001).

Perhaps one of the greatest social influences came as broadcasting from radio and television media became available to large portions of society. Indeed as Garland (2001) notes, “[i]f the automobile and the suburb transformed social space in physical terms, the coming of television and the broadcast media did so in a psychological sense that was equally profound and consequential” (pg.85). Although the mass media had other important implications that will be discussed later, its immediate result was national and subsequent global connectedness that allowed individuals to have access to a variety of information and entertainment. Perhaps one of the more dominant results of television was localized awareness of discrimination that was previously hidden from view. In this sense, disadvantaged groups, such as those living in the ghetto, began to witness their disadvantage, question it, and attack its acceptability (Garland, 2001, Wacquant, 2001).

### *2.1.1. Impact of Social Change upon Crime*

The increasing representation of women in the workplace, social status, family, feminist theory, and over-representation of victimization combined with population class-based dispersion and national and subsequent global connectedness via media innovations all had a profound impact on crime. High density living developments suffocated low-income groups causing elevated criminal activity. Working class luxuries that were affordable only to rich members of society were proving to be attractive and valuable items for theft. Indeed as Garland (2001) notes that impetus for increasing crime rate “was a multi-dimensional one that involved; (i) increased opportunities for crime, (ii) reduced situational controls, (iii) an increase in the population “at risk”, (iv) a reduction of the efficacy of social and self controls as a consequence of shifts in social ecology and changing cultural norms” (pg.90). Large populations of unemployed, young males with relaxed informal social controls were becoming more physically and psychologically mobile (Wilson, 1987, 1997). Although each of these factors had an important individual impact on crime, their combined strength untimely gave rise to a “Law and Order” regime that persists today.

## **2.2 Getting Tough on Crime and America’s Baseball Solution**

As the dynamics of society changed and crime rates soared politicians were coming under increased pressure to resolve the rising crime rates. The 1960s political regime was especially concerned for society’s “extreme” liberal views. For example, “the increasing acceptance of divorce, free love, teenage parenthood, and drug use, in addition to women’s liberations, were all indicators of the unravelling social fabric” (Selman & Leighton, 2011,pg.30). During the 1970s, liberal beliefs were coming under attack by conservative beliefs which set into motion several

interrelated factors within the rise of “Law and Order”. In particular three key issues; 1) the re-emergence of the victim, 2) the weakening of rehabilitation, and 3) The War on Drugs (and more recently the War on Terror) coalesced to form aggressive criminal justice legislation.

*2.2.1. You’re Only a Victim if We Say You Are!*

Victims of crime hold a unique place in our hearts. They serve as a catalyst for change, a source of empathy, and a lesson for the actual dangers that exist. However victims also serve other interests, particularly those that seek to limit and restrict the behaviour of a group of people. Indeed political ideologies that support the notion that liberal views cause the unravelling of social order, thus leading to criminality, also exploit the victim as a central focus. Victim crime bills such as Megan’s law, Jenna’s law, and Stephanie’s law use the appearance of a victim to create societal empathy toward the criminal justice legislation (Garland, 2001). The legislation has “undoubtedly an element of exploitation...as the individual’s name is used to fend off objections to measures that are often nothing more than retaliatory legislation passed for public display and political advantage” (Garland, 2001, pg.143).

The re-emergence of the victim has been bolstered by widely distributed media representations. The victim is now seen as an expression of every person in society rather than an individual. For example, as women entered the workplace and traditional gender barriers were being erased the media increasingly portrayed violent criminality against women, specifically, white women living in urban environments. Focus on female criminality became a focal point when “bad girls” became a central focus of media attention (Chesney-Lind & Irwin, 2008). Both women as victims and women as criminals caused outrage and anger which lead to fear and anxiety (Garland, 2001).

Even as crime rates fell during the 1990s widespread societal belief held that crime was the nation's biggest problem. For example, media coverage of violent crime nearly quadrupled between 1990-1995, a period when crime rates peaked and then began to gradually subside (Selman & Leighton, 2010). With increasing viewership of crime television series, reality programming, and saturated violent news broadcasts, it is not surprising that society viewed criminality as a national pandemic even as rates continued to fall.

### *2.2.2. Rehabilitation? Quitters!*

The golden years saw increasing support for rehabilitative practises, social programs, and a belief in the welfare state (Garland, 2001). However during the crisis period of the 1980s, both right and left wing politicians were condemning the use of "liberal" rehabilitative ideologies. The Republicans saw rehabilitation as nothing more than lenient, giving offenders too many options, and essentially admitting that they didn't know how to properly help individuals (Selman & Leighton, 2010). Naturally the Republicans could not support both victim and offender. Doing so would undermine the emergence of a "victim society" and would remove societal fear and anxiety toward crime.

Interestingly the Democratic Party also condemned the use of rehabilitation, albeit for a different reason than the Republicans. The left saw rehabilitation as nothing more than a guise for harm labelled as therapy wherein new "therapeutic techniques such as drugs, electroshock, sterilization, and psychosurgery... in the name of "behavioural modification" became the ultimate coercive custodial weapon" (Selman & Leighton, 2010, pg. 33). While the left saw criminality as a broader symptom of society the right saw crime as an individuated choice. For example:



During the 1980 presidential elections, the Democratic Party included a crime plank denouncing excessive police brutality and promising increased federal funding for jobs and education, while the Republicans emphasized swift, certain, and strong punishments, including mandatory minimum sentences for drug offenders. The Republican candidate won. In 1984 the Republican Party announced its anticrime agenda comprised largely repressive measures, including preventative detention, the reestablishment of the death penalty, and the targeting of drug dealers. The Democrats, in contrast, focused on the elimination of poverty and unemployment that foster the criminal atmosphere. The Republican candidate won. In 1988, the Democratic Party platform continued the education-and-prevention theme, stating that sentencing reform should include diversion programs for first and non-violent offenders. On the issues of drugs, the platform called for “readily available counselling for those who seek to address their dependency.” The 1988 Republican Party platform demanded “an end to crime” and what is called a “historic reform of toughened sentencing procedures for federal courts to make the punishment fit the crime.” In addition, the party stated, “the best way to deter crime is to increase the probability of detection and to make punishment certain and swift. Republicans advocate sentencing re-form and secure adequate prison construction. The Republican candidate won (Selman & Leighton, 2010, pg.35-36).

### *2.2.3. The War on Poverty...I Mean the War on the Impoverished*

Drug use was a significant factor deemed to be stripping away early traditional values from America. Through the media drug use was classified as an individuated problem of the poor, a lifestyle of immorality and in need of Republican salvation. The War on Drugs quickly turned its gaze to those members of society that were accused of being at the heart of America’s drug pandemic. Spurred on by an infamous report in 1965 by Daniel Patrick Moynihan which attributed drug use to a “culture – of – poverty” drug use and poverty were interchanged synonymously and its causation was attributed to the immorality of the impoverished (Selman & Leighton, 2010).

As Selman and Leighton (2010) contend the culture – of – poverty thesis caused a transformation of “the image of the impoverished, especially poor minorities, from needing social justice to not deserving rights, financial assistance, and rehabilitation” and caused even Democratic President Johnson to “turn away from long-term structural solutions like the “war against poverty” toward shorter-term punitive practices like “the war against crime” (pg.32). This trend was exemplified during 1966-1996 General Social Survey which indicated that “the association in the American mind of race with welfare, and of race with crime, had been achieved at a common historical moment” (Loury, 2007). As a result race, not class, became the organizing principle of American politics (Selman & Leighton, 2010).

### **2.3 If You Can’t Beat’em, Join’em! Aggressive Criminal Legislation**

The combination of the changing demographics of society and the subsequent impact on crime, the re-emergence of the victim and the creation of a society victim, the weakening of rehabilitation and the war on the impoverished culminated in aggressive criminal justice legislation. As previously explained, the changes in society were not attributed to positive evolutionary process but rather an unravelling of social order due to combined impacts of “liberal” individuals. This ideology was, and remained to be, a fundamental underlying assumption of subsequent criminal justice legislation. The following section will outline three legislative contributors toward American correctional privatization.

#### *2.3.1 Three Strikes and You’re in...Jail that Is.*

Perhaps the most well-known of these “Get Tough” strategies was the creation of the Three Strikes Law. The Three Strikes Law essentially gave offenders three chances toward criminal reform before mandatory sentences were enforced. This approach was heralded because

punishment was progressively applied to repeat offenders. Underlying this assumption was the individuality of crime, ignorant of broader societal factors, the idea that rehabilitation does not work, and that two factors of deterrence (certainty of punishment and severity of punishment) were established (Einstader & Henry, 2010). For example,

William Rummel was convicted of a felony involving the fraudulent use of a credit card to obtain \$80 worth of goods, another felony for forging a cheque in the amount of \$28.36, and a third felony for obtaining \$120.75 under false pretences by accepting payment to fix an air-conditioner that he never returned to repair. For these three nonviolent felonies that involved less than \$230, Rummel received a mandatory life sentence (Selman & Leighton, 2010, pg.25).

In another example, an army veteran, heroin addict, and father of three, Leandro Andrade, shoplifted nine children's movies from a K-Mart over a two week period. These movies, which included Cinderella and Free Willy 2, counted as strike 3 and 4 under California's Three Strike Law. Since Leandro had previous felonies for burglary the Supreme Court upheld the mandatory 50 year prison sentence, meaning that the 37 year old will probably die before he is released (Selman & Leighton, 2010).

### *2.3.2 Non-Violent Drug Offenders are the Enemy*

Drug use was seen to be a major contributing factor to the degeneration of conservative values in America. Just as the Three Strikes Law focused on repeat offenders several anti-drug laws were being established to control perceptions of rampant drug use specifically targeted toward lower class minorities and those whose drug use and overall morality was linked to impoverishment. For example several anti-drug laws such as New York's 1973 Rockefeller drug laws, Michigan's 1978 "650 Lifer Law" were part of the trend wherein, by 1983 40 states had enacted aggressive anti-drug laws (Selman & Leighton, 2010). All of these laws targeted non-violent offenders. As Tobias Perse (1996) details in an interview with Gary Fannon:

I was convicted under the so-called 650 Lifer law, the Michigan mandatory minimum law that states that anyone convicted in a case involving possession with intent to sell more than 650 grams of cocaine or heroin must receive a sentence of life imprisonment without the possibility of parole. The law has failed miserably at its overriding goal, which is to put away drug kingpins. In fact, it has snared only low-level offenders and people like me: 45 percent of those convicted under the 650 Lifer law are first-time offenders. Politicians anxious to appear tough on drugs and to strengthen their own platforms speak to the fears they've created and pass these laws, then they build more prisons every year.

The imprisonment of drug offenders alone would not have been a major dilemma if rehabilitation and other welfare programs were being used as frequently as incarceration. Indeed, the reference of drug use to race and morality caused society to rally behind aggressive and short-sighted anti- drug laws.

### *2.3.3 Truth in Sentencing: Violent Offenders are the Real Enemy!*

Non-violent drug offenders were not the only group targeted by criminal legislation. In fact, violent offenders were coming under the gaze of politicians and media forces. One way to control the population was to induce fear and anxiety about the probability of becoming a victim of violent crime. Even though violent crime is the rarest form of crime, it was propagandised to the public to ensure that aggressive criminal legislation was passed. One such approach was Truth in Sentencing. For example, The Violent Crime Control and Law Enforcement Act of 1994 saw provisions for Truth in Sentencing and Violent Offender Incarceration laws which gave financial aid to states that implemented the proposed reform (Turner, Greenwood, Fain, & Chiesa, 2006). Such reform mandated that offenders convicted of violent crime were to serve more time of their sentence (85%) and have limited parole opportunities (Turner et al, 2006, Selman & Leighton, 2010; Welch, 2005).

As a result, imposed sentence length did not increase while time served increased in states that had TIS or VOI legislation. As Turner et al (2006) explain:

As of the end of 1999, VOI/TIS grant recipients had built 15,462 beds, and another 25,244 were under construction; 2,088 were being leased from the private sector. By the end of VOI/TIS funding in 2001, VOI/TIS funds had been used to add more than 19,000 beds and more than 31,000 were either under construction or in the planning stage (pg.374).

## **2.4 The Past Becomes the Present**

Aggressive criminal justice legislation did not directly cause correctional privatization. Such laws however did give rise to the correctional conditions that ultimately led to widespread pressure that allowed the idea of privatization to emerge. This section will outline the result of everything discussed thus far. As I have shown, the changes in society led to reactionary political pressure to restore order to an unbalanced and reckless population. Political forces used the victim, classist and racist attacks, and societal fear and anxiety to gain not only taxpayer votes but also gain immense political power. The result was aggressive criminal legislation that targeted specific groups, no more involved in crime than other segments of society, but cast as immoral and undeserving. As the “War on Crime” continued the pressure on state and federal corrections reached critical mass.

### *2.4.1 Populations Swell & Conditions Deteriorate*

As the crime rate continued to fall prison admissions continued to rise. Determinate sentencing was the new judicial norm making criminals “no longer persons to be supported, but risks to be dealt with. Consequently, “as of 2000, 33 states had abolished limited parole (up from 17 in 1980); 24 states had introduced three-strike laws (up from zero); and 40 states had introduced truth in sentencing laws (up from three)” (Loury, 2007). Prison populations swelled from 100/100 000 to 509/100 000 by mid-2008, more than quadrupling between 1980-2008 (Selman & Leighton, 2010). Even as more criminals were being incarcerated and crime rates

continued to decrease, politicians (such as Bill Clinton in the early 1990s) promised increased police presence by nearly 100 000 officers, complete with updated technologies to eliminate crime altogether (Selman & Leighton, 2010).

Correctional facilities were packed to the brim and as the literature suggests, ripe with several examples of prisoners having to sleep on military style cots packed into gymnasiums or outdoor “tent cities” (Camp & Camp, 1985; Mauer, 2001; Selman & Leighton, 2010; Welch 2005; Wright, 1999). As prison populations continued to spiral out of control class action litigation suits were being filed against state and federal governments. Under the American Constitution’s Eighth Amendment people are protected from cruel and unusual punishment. After hearing evidence from all parties the courts decided that the conditions in correctional facilities clearly violated the Eighth Amendment and that correctional facilities would have to improve conditions or face severe financial penalties.

Although litigation originated in Texas, where the prison system was so overcrowded that some prisons were operating over 200 percent of capacity and inmates were forced to sleep in the hallways or outside in tents. However, by 1985 “prisons in two-thirds of the nation’s states were under court order to correct conditions that violated the Constitution’s Eighth Amendment prohibition against cruel and unusual punishment” (Selman & Leighton, 2010, pg.42). Political parties were coming under increased pressure to do something about this crisis. The perpetual inducement of fear and anxiety onto the public meant that politicians could not simply stop incarcerating people or abandon “Get Tough Laws”. State correctional facilities were in trouble; with states not able to afford to build new prisons yet simultaneously not able to relieve the growing prison population.

#### 2.4.2 *Spend, Spend, And Spend!*

The litigation suits were quickly resolved as American taxpayers had no choice but to foot the bill for the construction of new correctional facilities. Between 1980 and 1990 prison expenditures increased four-fold from 6.8 billion to 26.1 billion and again in 1995 to nearly 40 billion (Selman & Leighton, 2010). The dramatic increase of correctional expenditure is not surprising if we consider that during the period of correctional litigation cases several states were either releasing or threatening to release prisoners because they were under court order to relieve population overcrowding (Selman & Leighton, 2010). After years of media and political influence that claimed that crime rates were increasing and that everyone was a potential victim American society had little choice but to approve the construction of new prisons to house the dangerous criminal class.

### 2.5 The Terror of Neo-Liberalism

Despite the profound impact that correctional overcrowding and deteriorating conditions which prompted litigation suits and pressure for subsequent prison construction had on privatization, it may not have come to fruition if the political landscape in America was anything but neo-liberalist. As Henry Giroux (2004) explains, “Under neo-liberalism the state now makes a grim alignment with corporate power” wherein the government pursues “a wide range of deregulations, privatizations, and abdications of responsibility to market and private philanthropy” (pg.45). The cornerstones of neo-liberalism - privatization, hollowing out “big government”, a belief in the free market, and the deregulation of public services - collectively influenced the choice to privatize correctional services.

The belief in the free market is highlighted by a simultaneous belief that government involvement in traditional public service industries such as health-care, corrections, and social welfare should be reduced and replaced by private entities. By reducing government involvement in traditionally (and allegedly) expensive, ill-managed, and fiscally irresponsible programs, private entities could enter the arena in competition with each other, giving tax-payers more for less.

When President Ronald Reagan announced that big government was the problem he unleashed a two-pronged approach. The first was an aggressive attack on social welfare programs that had been established during the Golden Years which included welfare programs and rehabilitative services. Tax cuts on these programs were the result of the casting of the poor as undeserving and the belief that rehabilitation did not work. The second approach was massive tax breaks for American corporations. These tax breaks ensured that wherever corporations chose to establish themselves they would be rewarded through fiscal tax breaks with the belief that Americans were being employed (Selman & Leighton, 2010). Indeed as Garland (2001) notes:

What is striking about the Reagan and Thatcher election victories is that they owed less to the appeal of their economic policies... and more hostility toward ...tax and spend government, undeserving welfare recipients, soft on crime policies, unelected trade unions who were running the country, the break-up of the family, the breakdown of law and order...appealing to the social conservatism of hard working, respectable (and largely white) middle classes, New Right politicians blamed the shiftless poor for victimizing decent society..."(pg.97).

## **2.6 Enter the Dragon**

It was the combination of the need for new prisons resulting from deteriorating conditions and subsequent litigation and governmental belief in neo-liberal doctrine that lead to



what Kevin Pranis (2007) referred to as “backdoor prison finance”. Taxpayers were becoming increasingly frustrated with the amount of correctional expenditure that was causing taxes to increase yet having no discernible impact on the number of prisoners who were being incarcerated. Construction of new prisons was being struck down at the polls while states were coming under pressure to relieve prison populations and improve conditions. Private financing became a popular option for a number of states who a) could not afford to build new prisons; b) could not simply release prisoners back into society; and c) could avoid the potentially devastating impact of correctional discourse during elections (Anderson, Davoli, & Moriarty, 1985; Elvin, 1985).

The table was set for the beginnings of widespread correctional privatization. The changes in society that lead to aggressive criminal justice legislation such as the Three Strikes Law which inevitably increased prison populations while deteriorating conditions caused states to face litigation suits which demanded the construction of new prisons that they couldn’t afford; interwoven with a belief that rehabilitation did not work and a perception that crime continued spiralling out of control, the operation of corrections in the free market appeared to be taxpayers and state saving grace. Private corporations emerged to build new prisons free from democratic voting taking pressure off states that were facing serious fines from unconstitutional prison conditions whilst maintaining a “hard on crime” visage. Indeed as Selman and Leighton (2010) explain, “the same factors that gave rise to private prisons are still present and continue to drive the growth of what is now a multi-billion, multinational incarceration business” (pg.17).

## **2.7 Review of Performance: Cost, Quality, and Things Swept Under the Carpet**

Private involvement within corrections is not new. Historically private corporations would buy prison labour such as farm hands, furniture makers, or shoe makers to create a consumable product (Brister, 1996). As public unions grew in power they challenged the fact that prison labour was minimizing “free worker” profit. As a result, reliance on prison labour was significantly reduced. Current practice sees correctional services being transferred from state and federal control to private control in contrast to past practice which saw private corporations paying the state/federal government for prisoner labour. For example, since its original involvement in the management of prison labour to produce goods, private involvement in corrections has expanded to include provision of food and dietary services, construction financing, pre-sentence reports, transportation service, healthcare, and, more recently, complete managerial control of the correctional facility (Hart, Shleifer, & Vishny, 1997; Hylton, 2003; Immarigeon, 1985; Kinkade & Leone, 1992; Mullen, 1985).

This section will focus on several key evaluations that have emerged since private interests have been established at the managerial and operational level. Within this section, I will highlight several fields of inquiry including cost evaluations, quality assertions, constitutional and legal issues, and issues surrounding private infiltration of sub-government interests. In doing so I hope to highlight the findings of the academic community and in subsequent chapters of this piece, compare these findings against the information that is presented to society via online media.

### *2.7.1 The Cost of Doing Business*

Despite how political culture impacts the decision between in-house or outsourced correctional privatization (Henry, 1999; Price & Riccucci, 2005), one of the most dominant determining factors of privatization is the desire to save money. For example, in 1985 the median cost to house a prisoner was roughly \$17 500 (Keller, 1987). Between 1982 and 2003 correctional expenditure quintupled nearly 573 percent (Greene, 2006). The massive increase in prisoner population and the resulting cost has left many states in limited options: attempting to build voter confidence or increase correctional expenditure. In rare cases for example, the state has ordered the offender to pay back the accumulated legal costs associated with their journey through the justice system (Levingston, 2007). The majority of states however adopt some form of primary, secondary, and/or tertiary correctional privatization.

Pundits of privatization argue that cost savings will naturally occur as private contractors compete for business in the open market (Brister, 1996; Logan, 1990; Logan, 1992; Logan, 1996). This conception of competitiveness argues that private companies will compete with each other to deliver various correctional services at the lowest price. Pratt and Maahs (1999) and Perrone and Pratt (2003) meta-analyses highlight that initial comparative cost saving analyses between private and publically operated prisons unanimously supported privatization. Pratt and Maahs (1999) and Perrone and Pratt (2003) argue that increased buying power, removal from direct state control, and the ability to implement cost saving measures result in substantial cost savings. As suggested in the literature the cost savings of privatization ranges anywhere from \$1.20 to \$7.00 per inmate per day (Perrone & Pratt, 2003) or 10-16% (Harding, 1998). Although these results are impressive there are several shortcomings.

First and foremost, economic savings primarily result from poorly trained staff, reduced employee benefits, reduced vocational or educational programs, and lower staff wages (Greene, 2006) Thus although savings are found, we must question the extent to which cost savings interfere with a minimum level of staff and institutional quality. Second, both Pratt and Maahs (1999) and Perrone and Pratt (2003) argue that the characteristics of the facility are the best predictor of cost savings. For example, both studies highlight key findings that the age of the facility, the total population of the facility, the characteristics of that population, and the security level of the facility are the best predictors of financial savings. Based on these findings Perrone and Pratt (2003) argue that on the surface private prisons do save money compared to publically run prisons. However, they offer a methodological caution urging future research to compare facilities that are equal in age, security level, and population to avoid potential confounds.

Although the aforementioned characteristics are claimed to be the best predictors of cost savings, Sellars' (1989) study of cost savings between private and public prisons that were deemed to be directly comparable determined that the private facilities operated at a lower cost, had more programs available, and were in better condition compared to public prisons. However, although these results suggest alternative findings than Perrone and Pratt (2003) the study was extremely limited in scope with only one state prison and two county jails included for comparison to similar public facilities.

Despite findings of correctional privatization saving money there are several other examples in which there exist no savings between private and public prisons. Another widely cited example is the Okeechobee study (Levinson, 1985). Okeechobee was a publically run juvenile correctional facility operated by the Department of Health and Rehabilitative Service. Okeechobee's managerial operations were contracted out to the Jack and Ruth Eckerd

Foundation to compare potential cost savings between Okeechobee and a publically operated facility (Dozier). Results indicated no cost savings between the facilities. There are two important considerations that must be noted. First, the Jack and Ruth Eckerd Foundation is a not-for-profit organization. Therefore, pundits of privatization argue that there existed no incentive to lower costs. Second, the population differences between Okeechobee and Dozier were significant, with Okeechobee having more Black juvenile offenders with more serious offences compared to Dozier. Therefore, the absence of any cost savings was attributed to population differences.

Another key factor found in the privatization debate is the relationship between cost saving incentives and quality innovation. For example, Hart, Shleifer, and Vishny (1997) examined this relationship and found that in-house (public) managerial operations generally have weak incentives for both cost savings and quality innovation, whereas privately run facilities have strong cost saving incentives and weak quality innovation. Furthermore, economic analyses demonstrate that publicly run facilities are best when cost reductions impact quality, quality innovation is unimportant, and when governmental corruption or mismanagement is an issue. In comparison private ownership is best when cost savings can be controlled via contractual agreements, quality innovation is important, and when government unions are uncontrollable or too powerful. Based on this research, advocates of correctional privatization argue that the incentive for saving money coupled with reduced state influence lead to increased service within private prisons.

Despite scholars' best efforts the actual cost of prisons can never be accurately assessed. For example, Lovell and Jemelka (1996) examine the hidden costs of corrections, a salient factor that remains overlooked and under-reported. In their study, Lovell and Jemelka (1996) conclude

that infractions within the correctional facility, such as violence, segregation, and administrative duties caused by infractions, cost the correctional facility nearly 1 million dollars. If we extrapolate this figure, hypothetically, the cost to all American prisons would total over 9 million dollars. Rather than using hypothetical extrapolation, it is safer to simply conclude that the hidden cost of correctional infractions is typically absent from any cost savings discourse.

Another example of hidden costs is found within the communities where prisons are located. Although typically hailed as an economic saviour during economic downturns or recessions, the degenerative impact of privatization on these communities is severe (Mosher, Hooks, & Wood, 2005). For example, typical promises from prison contractors include employment opportunities, increased community sales from prison purchasing power, and increased property value (Hudson, 2006). These positive results were not found. In fact, the massive purchasing power of private corporations contributed to the purchasing of goods from outside of the community much like “big box” stores erode “Ma and Pa” business. Furthermore, the value of properties located in the community actually decreased. Finally, in several cases the promised employment opportunities of roughly 700 jobs translated to less than 100 open to community residents.

When considering the potential positive economic impacts that correctional facilities have for communities it would be wise to consider those communities that are adversely affected by incarceration in general. For example, Gonnerman (2004) notes communities that are regarded as “million dollar blocks”, in which the incarcerated population will cost the state over 1 million dollars over the course of their sentence thus generate large profits for correctional corporations. Unfortunately these communities are not scarce. In fact “in Brooklyn last year, there were 35 blocks that fit this category” (Gonnerman, 2004, pg. 27). These communities are

typically the poorest sections of the city, comprised of minority members who are unemployed and living well below the poverty line.

A final cost saving evaluation must be considered. As previously discussed in this chapter, a dominant factor contributing to private management of correctional facilities was initial private involvement in the financing of the construction of correctional facilities. Because taxpayers rarely support increased public expenditure in prison construction projects, private financing of prisons has established itself as a suitable avenue for rapid prison expansion free from public control. However as Elvin (1985) notes, “the average cost of a 500-bed prison is \$30 million...a \$30 million prison might actually cost taxpayers a long-term obligation of nearly half a billion dollars” through increasing costs and corporate tax breaks (pg.48). With this fact in mind, especially stark considering that overall cost has increased since 1985, it is important not to lose sight of the fact that the cost of correctional privatization goes far beyond simple management and enters every avenue of private involvement.

### *2.7.2 Is There Quality Behind Bars?*

The second most widely employed approach to determining whether privatization works is the use of comparative quality assessments. Because profit incentives are the foundation of for-profit correctional privatization, it is necessary to determine whether these incentives reduce quality to sub-standard (public) levels. This section will highlight key debates with respect to quality. Methodological issues will be presented along with empirical assessments of quality ratings that cover a wide spectrum.

Healthcare is perhaps the most commonly privatized worldwide service within corrections. Both publically operated and privately operated prisons typically outsource the

provision of healthcare. The quality of healthcare found in corrections is woefully poor, disgusting, and insulting. Horror stories are legion: botched surgeries; lack of medical attention required; widespread disease and infection, withheld medication, months-long to see a doctor, mothers giving birth on the floor; and inmates dying because they were assumed to be “faking.” (Dabney & Vaughn, 2000; Hylton, 2003; Von Zielauer, 2005).

In an attempt to understand why so many healthcare issues are found in corrections, Dabney and Vaughn (2000) found that the quality of physician employed for correctional facilities is significantly below societal care. The authors found that that prison doctors deliver substandard care, lower levels of professional competence, and engage in unethical behaviours that result in harm to their patients. Furthermore, the hypothesis that the position of prison doctor is the lowest one can achieve remains constant, with many doctors having liability claims filed against them prior to their employment. Results indicate that; a) prison doctors are unqualified and inconsistent, b) the label of prisoner creates a practitioner mindset that enables the failure to provide ethical, appropriate, or consistent care, c) inmates are less likely to file liability claims because they expect pain, and d) serious harm and even death (17 cases of death) were found in many of the liability claims.

The conclusions of Dabney and Vaughn (2000) are supported by Blakely and Bumphus (2005) who compare civil liability suits under Title 42: Section 1983 between 32 private and 17 public facilities. Results indicate that the majority of suits filed against private prisons were due to inadequate healthcare. Considering the data, findings suggest that allegations pertaining to due process, cruel and unusual punishment, religious freedom, living and physical conditions, as well as abuse and harassment were more prevalent in suits filed against the private sector than in suits



filed against the public sector, indicating that the quality of incarceration for private facilities is lower than public prisons.

The Okeechobee study is as important to quality evaluations as it was to cost comparisons. Okeechobee employee quality evaluations indicate that; 1) private facility/employees were less safe and less well managed, less trained and therefore provided reduced services, reduced the amount of information to clients and families, and are less consistent in the delivery of service; 2) experienced more than twice the number of sexual assaults between clients, 3) employees were less satisfied with what they describe as “just a job”, 4) less of a feeling of family caused by increase feeling of suspicion, lack of control over facility and high turnover rates compared to Dozier (Levinson, 1985). Employee quality measures are also highlighted by Lambert, Hogan, and Altheimer (2010) who found that employees of private prisons experienced higher levels of emotional stress causing burnout, more sick days and absenteeism, lower level of quality provision for prisoners, and higher employee turnover rates.

The quality of prison can be measured in various forms and this paper will attempt to identify several quality measures that move beyond inmate or employee surveys. Prison suicide can also be viewed as a measure of facility quality. In their comparative study of inmate suicide between private and public correctional facilities, Huey and McNulty (2005) found that public prisons have higher rates of suicide compared to private prisons. Although these findings initially suggest increased quality in private prisons, it should be noted that overcrowding theory (no personal space makes suicide viable) coupled with previous deprivation theory (not enough for everyone which leads to suicide) explain prisoner suicide more so than whether the facility was privately operated or not. Results suggest that since private facilities are typically less crowded

than public prisons because of the private sector's ability to construct new prisons on demand, the rate of prisoner suicide is reduced.

Another measure of prison quality is the level of violence, both between inmates, and between inmates and staff. Lukemeyer and McCorkle (2006) assessed the level of inmate-inmate and inmate-staff violence between private and public correctional facilities. Findings indicate that on average private facilities have lower levels of violence compared to public facilities. However, instances in which there was any level of recorded violence (since many private facilities indicated zero cases of violence and therefore appear to have lower levels of violence) the rate of violence at private facilities outnumbered violence in both state and Federal institutions combined. Therefore, in cases where violence did occur, it occurred more frequently at private prisons. It should also be noted that private involvement in corrections is typically at the minimum or medium security level (although this is changing), indicating that violence at reduced security levels is persistent in private operations (Selman & Leighton, 2010).

Recidivism, while disputed in academia, is the most popular measure of post-release quality evaluations between public and private correctional facilities. Spivak and Sharp (2008) assessed recidivism rates between private and public correctional facilities and found that men who were housed in private facilities had higher levels of recidivism compared to men housed in public prisons. However these findings did not apply to women. Women housed in private prisons had lower levels of recidivism compared to women housed in public prisons. Although these results are impressive it should be noted that methodological issues persist. For example, men housed at the private prison were younger, more likely to be minorities, serving time for a drug related offence, and released earlier than public prisoners. Therefore, the characteristics of those housed in private facilities may increase recidivism

Despite the literature suggesting that quality innovation is lower in private prisons (Hart, Shleifer, & Vishny, 1997) there are many studies that show improved quality in private prison. For example, one of the leading proponents of correctional privatization, Charles Logan, has several detailed accounts of the increased quality found with privatization (Logan, 1990; 1992; 1996). For example, Logan's (1996) study of a privately operated prison for women indicates

[a] better designed facility; greater operational and administrative flexibility; decentralized authority and good communications; more performance-based personnel management; higher morale, enthusiasm, and sense of ownership among staff; greater experience and leadership among top administrators; and stricter, "by the book" governance of inmates. (83)

These findings highlight his earlier work (Logan, 1992). In this study Logan found that private prisons outperformed public prisons in 6 of 8 measures of quality, only minimally lower in care and justice. Furthermore, his findings revealed that staff attitudes were generally positive and led to increased quality for prisoners. Perrone and Pratt (2003) conducted a case study meta-analysis examining the level of quality in private and public facilities. Their research concluded that some private facilities outperformed public prisons across all measures of quality and in other cases public prisons outperformed private prisons across all levels of quality. A definitive answer remains clouded.

### *2.7.3 So what does it all mean? A Word on Cost and Quality Evaluations*

Cost and quality evaluations comparing private and public correctional facilities are mixed. This paper respects each position and adopts a similar position to Perrone and Pratt (2003), who caution against the use of case studies to support positional claims and trying to generalize findings across all private or public correctional facilities. Furthermore, there has been limited discussion on publicly operated prisons that are cost efficient and deliver high quality services (Kenis, Kruyen, Baaijens, & Barneveld, 2010). This much can be said. Correctional

facilities, regardless of private or public control, owe overall success and failure, cost savings and quality performance, to their specific characteristics, including population, security level, facility age, geographic location, staff, management.

A key argument made by advocates of privatization revolves around cost and quality innovation based on competition, and yet only a few private contractors make up over 75% of all private companies involved in the operation of prisons (Greene, 2006; Mosher, Hooks, & Wood, 2005). Schlosser (1998) contends that “private companies ... regard the roughly \$35 billion spent each year on corrections not as a burden on American taxpayers but as a lucrative market”. Indeed the vast resources that are available for harvest attract many companies that want a piece of government corrections budget. Yet as the research indicates, smaller companies are being consumed by larger, multinational predatory corporations seeking a bigger slice.

### *2.7.4 Constitutional Issues and Eroding Public Law Norms*

It is ironic that the creation of aggressive criminal legislation was based on the unravelling of traditional conservative moral fabric, yet despite how punishment for profit can be considered overwhelmingly immoral, correctional privatization remains constitutional. Unlike other countries, the American Constitution does not explicitly permit or deny the delegation of coercive authority to contracted parties. As Reisig and Pratt (2000) explain, the delegation of coercive authority is integral and exclusive to the state and should therefore never be transferred to private authority. In an evasion of Constitutional limits, private corporations who manage correctional facilities have defined their actions as providing a support service, not performance of an inherently government function (Selman & Leighton, 2010). Canada shares this belief.

In other countries for example, France’s Constitution delegates certain functions as “constitutional public service” (Tirard, 2008). These services which include the police, justice,

defence, education, and healthcare cannot be privatized, although ancillary services such as food service within prisons or transportation services for educational facilities can be privatized. The managerial operations can never be privatized. Underpinning this stance is the notion that when public services become privatized they lose traditional public law norms.

Aman (2005) argues for a democratic decision making process to involve the public so that public law norms are not completely lost when the facility becomes privatized. To the best of my knowledge Montana is the only state with such protocol. Any corporation that has been awarded a contract must complete a privatization plan before any program or service is privatized, with the plan released to the public within 90 days and a public hearing within 60 days of the proposed date of implementation (Aman, 2005). Thus although there is nothing unconstitutional about privatization, anti-privatization arguments suggest that Montana's example be used as a benchmark to avoid the loss of public law norms that decrease institutional accountability.

To provide an example of how public law norms are erased via privatization, Rosenbloom and Piotrowski (2005) provide several excellent examples. First, a woman was fired from a church oriented treatment facility for juveniles that were under contract from the state. She was fired from the facility for not having the same religious beliefs that the church had. Because the church was under contract and thus considered privatized, she had no protection under the United States Constitution protecting her freedom of religion. In another example, a man was wearing a t-shirt that said "Leave Iraq/give peace a chance" and was asked to leave the shopping centre where he had gone for lunch. Because the shopping centre was privately operated he had no constitutional protection for freedom of speech.

The American Supreme Court gives us two important decisions that impact constitutional

issues and the loss of public law norms for employees of privately operated prisons. First, Holsinger and Hughes (2003) provide an example of an inmate who was forced to walk up the stairs by a guard at a privately operated prison, in spite of having been told by doctors to avoid physical activity. Shortly after he was forced to take the stairs, he suffered a heart attack. Under Title 42, Section 1983:

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress (Holsinger & Hughes, 2003, p.456)

The plaintiff argued under *Bivens v. Six Unnamed Federal Narcotic Agents, 1971* case law in which the court ruled that the publicly run facility (state) was financially responsible for the constitutional infringements upon the plaintiff Bivens. In the current scenario *Correctional Services Corporation v. Malesko*, the Supreme Court found that because the institution was privately operated a *Bivens* claim was not appropriate and was dismissed. Yet another example is *Richardson V. McKnight (1997)*. In a 5-4 Supreme Court decision, it was determined that only officers employed by public correctional facilities were eligible for the qualified immunity defence, which states that only pure actors for the state are granted qualified immunity from inmate civil liability suits (Shichor, 2005).

Despite arguments that government and state actors become distanced and public law norms abandoned, a critical analysis presented by Fenwick (2005) argues that during the 1999 fiscal year, an estimated 1.9 billion dollars in goods were produced at American correctional facilities. Using the UN's International Labour Organization Convention 29 (Forced Labour Convention) as reference, the transfer of state authority to private corporations implies that ILO

regulations on forced labour are enforceable. Thus, ILO protection of prisoners will take effect in correctional facilities that profit from prison labour. This means that prisoners who are producing goods at private prisons have *increased* labour protection compared to prisoners at publicly operated correctional facilities. Despite these claims it would be ignorant to assume that international parties could have any significant impact on a national level, especially regarding the operation of correctional facilities.

#### *2.7.5 The Infiltration of Sub-Government*

Lobbying groups, activists, and campaign donors are all part of the sub-government; a group that does not make government decisions per se, but certainly impact and influence the decisions that are made nonetheless. As correctional privatization increased so too did their participation at the sub-governmental level. For example, Stolz (1997) explains that “involving private corporations as regular participants in the corrections sub-government (special interest groups), as a consequence of privatization, has the potential to substantially change all aspects of that sub government” (p.102).

These words are echoed by Shichor (1999) who states that “the inclusion of private corporations into the corrections sub-government may have a substantial impact on the policy-making process as well, and it may introduce conflict between interest groups in the sub-government” (pg.228). He explains further:

traditionally, confinement facilities operated by government agencies were designed primarily to benefit the client-inmates by trying to rehabilitate them, and the public-at-large by protecting society through the incapacitation of dangerous, violent offenders. When private corporations operate confinement facilities, changes occur in the identity of the primary beneficiaries. The primary beneficiaries become owner-shareholders and executives of the organization (pg.231).

The inclusion of interest parties into the sub-government has a long history. Take for example Mothers Against Drunk Driving (MADD). This special interest group working for reduction in driver alcohol and drug intoxication while driving a vehicle has caused increased punitive sanctions to highway traffic laws and regulations. In this case, MADD is working from a rather humanitarian perspective as they are not seeking profit but rather attempting to improve safety. Privatized correctional involvement within sub-government however has the potential to influence criminal policy aggressively causing prison admissions to increase.

#### *2.7.6 Concluding Remarks*

The shift to privatization, as shown, was multidimensional and spanned decades. No singular aspect caused privatization to intrude unannounced, rather it evolved over a period of “progressive” thinking about incarceration alongside a neo-liberal political landscape. Evaluations of privatization are mixed making any firm conclusion impossible. Therefore, evaluations must be established between two equal facilities, indeed much like Canada’s early (2000-2005) privatization experience compared two facilities with identical characteristics in which a public facility emerged as the lesser of two evils. Indeed as Immariageon (1985) explains the shift toward correctional privatization is simply “old wine in new bottles” (p.65) and that any debate regarding evaluations between public and private corrections are simply re-affirming the notion that incarceration remains the premier response for criminal behaviour. As Mullen (1985) explains, “the notion that private organizations can provide more for less is undeniably attractive, but probably unrealistic” (pg.1).



### 3. Theoretical Background

The following section will outline and justify the theoretical underpinnings and methodological approach that are employed to explore issues surrounding private correctional corporations' online presentation of self. First, this section will present an overview of Michel Foucault's "new economy of power" and its representation through online content. Second, a discussion considering the internet as a viable research tool will be addressed. Finally, the research methodology will be explained in detail.

#### 3.1. Michel Foucault: *The New Economy of Power*

Michel Foucault's *Discipline and Punish* (1995) is a historical analysis of the transformation of judicial and correctional power from the 18<sup>th</sup> to 20<sup>th</sup> century. During this time there was a dramatic shift in the underlying principle of punishment, moving from punishment of the body of the offender toward "the gentle way" (Foucault, 1995, pg.104) of punishing the mind. This movement was characterized through the removal of corporal punishment, replacing the whips, stocks, and public executions with a sort of internalized mental torture. The condemned was to be removed from society, to sit and stew, and reflect on their life of sin – in short, to do penance.

This transformation of punishment is evident when we consider two inter-related concepts. Prisoners were transformed into what Foucault (1995) refers to as docile bodies, with authority "exercising upon it (the inmate) a subtle coercion, of obtaining holds upon it at the level of the mechanism itself – movements, gestures, attitudes, rapidity: an infinitesimal power over the active body"(pg.137). To the extent that the physical arrangement had over the prisoner, the construct of Jeremy Bentham's *Panopticon* extorted power over their minds. Panopticism

attempted to duplicate omnipresence. The principle of the Panopticon was to force the inmate to feel visible to others at all times by using centralized surveillance methods such as a central guard tower or video cameras.

These new forms of punishment did not limit or replace existing forms immediately. Instead the process of change, as it normally does, occurred over a period of time taking into account the changing nature of society and the constant struggle for power. Indeed the very first tortures, shocking and awe inspiring, were eventually abandoned when public empathy, and in some cases public rebellion, were set in motion through failed torture and execution (Foucault, 1995). The power of the King, in whose name torture and executions were practiced, was being diminished through public disapproval and empathy toward those whom some labelled public heroes. This began the transformation of power and knowledge.

To ensure that the King's power remained absolute the prisoner was removed from the spectacle. Public humiliation, torture, and executions were replaced by this gentle way of punishment. Once condemned the offender was secured behind tall stone walls, removed and segregated from society. At this point, society could have no sympathy toward this individual, no celebration or knowledge of deviance against the King; they were securely locked behind wall, gate, and key.

Foucault (1995) refers to a new "economy of the power to punish" (pg.90) but to what extent has this economy continued in the 21<sup>st</sup> century? Furthermore, in what regard has the "economy of power" changed now that privatized interest within corrections exist. Indeed if the transference of corporeal punishment toward soulful punishment indicates this new economy, and certainly the shift from offenders being cast as public spectacles to nothing more than faint

whisper behind iron bars present this new economy of power, to what extent now, in the 21<sup>st</sup> century, does Foucault's new economy of power present itself in modern corrections. This paper will attempt to discover this new economy through discourse analysis of the Internet, as to the best of my knowledge, no previous research has attempted to explore this issue using this specific tool.

### **3.2. The Importance of the Online**

As C. Wright Mills (1959) explains in "The Sociological Imagination" we cannot separate our relative position in the world as a distinct individuated entity. Research of "things" in the 21<sup>st</sup> century cannot explain or justify itself on the shoulders of an ahistorical conception; instead, it must place itself in a continuum of events, cause and effect, action and reaction. The invention of the Internet and World Wide Web fundamentally altered the manner in which people communicate, do business, form relationships, and perform rudimentary tasks such as note taking. Technology has changed human behaviour profoundly and as such, to assume the irrelevance of technological intrusion into all aspects of daily life would indeed ignore the reality of 21<sup>st</sup> century living.

#### *3.2.1. Targeting the Online Consumer*

The technological revolution has reshaped generations. The ability to instantly connect via social media websites, compose and receive electronic emails, chat in real time, and browse the World Wide Web has fundamentally changed the manner in which we communicate. The impact of contemporary technology reaches far beyond that of personal communication; the manner in which information is collected and consumed is fundamentally altered. Library archives are being replaced by online data sources, and manually searching through periodicals

has become nothing more than an instantaneous retrieval of search engine “hits” specifically influenced by Boolean indicators. The way that we process information has (d)evolved into a state of insatiable information hunting, wherein the labour intensive processes which garnish detailed, accurate, and insightful accounts of data abruptly turn into quick, skitter bugged races to obtain *an answer* rather than *one right answer* (Alvi, 2011; Nicholas, Rowlands, Clark, & Williams, 2011)

These developments have led to focused research specifically guided by corporate research on consumerism. Recently particular attention has been given to online consumers. For example, it has been well documented that online avenues for consumerism have been steadily gaining popularity and notoriety (Eldelman, 2007).

Corporations are becoming increasingly aware that the online community is expanding and as such are using online avenues to promote corporate products and service. Because of this, corporations are dedicating more resources to online marketing strategies than ever before. For example, GM (General Motors) used strictly online marketing for the G5 sedan (Eldelman, 2007). Not only did vehicle sales surpass expectations, but they exceeded expectations in which all types of marketing (print, radio, etc) would be used.

This illustrates the powerful connectedness of the internet and the emergence of online marketing strategies. As Eldelman (2007) concludes, “for most marketers, the best online strategy is to think about the online experience as a core part of what the brand offers. The brand is not the logo, or the message, or what you sell; it is how you give customers a chance to interact, and how your brand responds. The tables are turned: it is not about creating loyal customers, it is about becoming a loyal brand” (p.134). The evolution of online marketing

indicates that corporations that traditionally would not have used online marketing *have to do so*, perhaps not to sell product or services, *but to justify their existence* in the 21<sup>st</sup> century.

In another example of online marketing, Viral Marketing or V-Marketing has emerged as the ultimate marketing program. When it comes to getting a message out with little time, minimal budgets, and maximum effect, nothing on earth beats a virus. Every marketer aims to have a dramatic impact on thinking and behaviour in a target market; every successful virus does exactly that (Rayport, 1996, p.1).

V-Marketing is an evolution in marketing strategy that seeks to plant the product “seed” into the mind of the consumer. For example:

PepsiCola is one company that has begun to experiment with v-marketing. Its Mountain Dew campaign offers kids the chance to send 10 proofs of purchase and \$35 to qualify for a Motorola pager. Cool! The kids have to subscribe to the paging service themselves, and Mountain Dew reserves the right to beep their newly equipped customers with Dew-related messages on a weekly basis. So every time the pager goes off, it reminds the kids indirectly who's responsible for getting them that way-cool piece of social technology (Rayport. 1996, p.2).

As we can see, online consumerism is expanding rapidly and the ability of individuals to use technology for informative purposes continues to grow. In this respect, the ability of researchers to explore and utilize online information will also continue to expand.

### **3.3. The Current Study**

The current study is an exploratory online content analysis of self-published material by corporations who own and operate correctional facilities in the United States of America. Using online webpages as the content source this study will examine and evaluate the information that is found on these sites and comparatively assess this information relative to previous academic research on correctional privatization in an attempt to understand how Michel Foucault's “new

economy of power” has continued to evolve. Furthermore, this study seeks to detail the general and specific information that is found online. The current study utilized an inductive analytical approach. This will be detailed further.

### *3.3.1. The Content Analysis Approach*

An inductive or conventional content analysis approach begins with open data collection (Hsiu-Fang & Shannon, 2005). Elo and Kyngas (2007) explain that the inductive “process includes open coding, creating categories and abstraction. Open coding means that notes and headings are written in the text while reading. The written material is read through again, “and as many headings as necessary are written down in the margins to describe all aspects of the content” (p.109). In this process, the researcher immerses themselves within the data and allows themes or concepts to emerge naturally.

This approach is best used when existing theory is missing or incomplete. The conventional/inductive approach benefits researchers who do not want preconceived coding schemes or do not know the specific categories that are associated via theoretical frames. In doing so, the researcher is not considerate of specific categories but rather focussed on recording every piece of relevant data. As research continues, data are placed into topical sub-categories that share common ground. After this, sub-categories are grouped together with other sub-categories that share conceptual meaning. At this stage the researcher can make a statement regarding the patterns or trends of the data. Although the conventional approach allows categorization to emerge organically it also threatens internal validity via researcher bias thus leading to possible misrepresentation.

In comparison, the deductive approach utilizes existing theory and tests the data against it. In this case, the researcher must use targeted or specific concepts to test their theory. As Hsiu-

Fang and Shannon (2005) explain, directed or deductive content analysis is used to “validate or extend conceptually a theoretical framework or theory” (p.1281). The directed approach is best used when theories benefit from additional analysis. However, the nature of directed content analysis, with focus on pre-existing theory, means that researcher interpretation could lead to a replication of theoretical assumptions rather than a critical review. For these reasons, it is imperative that researchers employ a reflexive approach when using directed content analysis to avoid confounds of coding data into pre-existing theoretical categories.

The final approach, summative or manifest categorization, goes beyond simple quantitative word counting and explores the latent conceptual meaning of the selected word. For example, instead of simply counting the number of time the content refers to the word *purple* summative content analysis examines the way in which the word *purple* is used conceptually within the content source. Although summative content analysis is an excellent method to explore a particular word(s) in the data it can be problematic because it ignores broader meanings that are found within the content source. For example, by simply recording the amount of time and conceptual use of the word *purple* the researcher ignores the word *green*, *blue*, and *red*. In this case, the research misses the broader implications of the data by narrowly focusing on certain content.

Any approach of content analysis requires that the researcher work through three distinct steps. First, preparation of the recording unit is necessary to determine what content is to be categorized. The recording unit can be a singular word or an entire sentence or paragraph. If the recording unit is large (such as a sentence or paragraph) multiple concepts can be found and coding becomes more challenging. On the other hand, using one word coding schemes makes

individual words lose contextual meaning and become disjointed. Thus, a balance must be achieved to ensure that the analysis of content does not become fragmented or clouded.

To avoid fragmenting the data, Borgatti (1998) suggests elicitation of cultural domains. Cultural domains are perceptions and not preferences. For example, “my favourite foods is not a cultural domain, but things that are edible is” (Borgatti, 1998, p.1). Cultural domains are something that have a definitive answer and have shared principles. Thus, to avoid potential confounds of data dilution via coding schematics, researcher constructs should incorporate cultural domains, constructs that are true in principle and shared amongst individuals.

The second step involves organizing the recording units into conceptual categories. These are general themes that each recording unit fits into. For example, sub-categories of perceptions of employee happiness, perceptions of workplace fairness, and perceptions of employee health could logically be placed into a general category of employee satisfaction. Using conceptual categories allows large amounts of data to be combined into smaller categorical generalizations.

The final step is to actually analyze the data and present the findings. General themes that emerged through analyses should be presented along with minor or absent themes. Interpreted data should be compared to other studies that have employed a similar approach or focused on a specific and comparable area of study.

Data were collected from four corporations who manage correctional facilities. Corrections Corporation of America (CCA), The GEO Group, Management and Training Corporation (MTC), and Emerald Companies were selected for analysis based on total market share and the overall size (number of beds) of these companies. Data collection spanned from



December 2011 to March 2012. To ensure that data were available offline webpage data were stored in a document reader. The rationale for this decision is as follows.

Data recording options such as “save website” would have been viable but would only be available online and ran the risk of procuring 404 errors, meaning that the data was no longer available as the URL had since changed or could not be found. Although there are data archiving tools such as Synchronicity, which is an Internet browser add on that locates 404 errors and then transparently redirects to an archived version of the same URL if it is known to exist in any Memento-enabled web archive. If no such archived version exists, it performs text mining on pages linking to the missing resource to generate precise search keywords to locate it at a possible new location (Klein, 2011). For the purpose of this study however, saving the data in an offline cache was more than sufficient to ensure the data were available for future reference.

An important area of consideration was the definition of research boundaries. Indeed as Markham (2008) explains: “at several junctures during the research project, we have the opportunity and responsibility to reflexively interrogate our roles, methods, ethical stances, and interpretations” (p.256). By setting research boundaries researchers begin to identify the online field. Markham (2008) further explains that “identifying the field involves a series of decisions that both presuppose and reveal the researchers underlying ontological and epistemological assumptions” (p.257).

Although we may think of webpages as “one thing in a massive space” it is certainly not. Webpages are not chronological pages within a book; they are disjointed specks of data dispersed across a wide plain. Setting research boundaries thus becomes a primary concern especially for online research. This confounding attribute is referred to as unitization: the

removal of boundaries that constrict traditional content sources (newspaper sections) to vast openness of limitless boundaries (the internet) (Weare, & Lin, 2000).

To account for unitization, the current study utilized an approach in which I followed only 1 hyperlink that was connected to the “parent” page under study. For example, many webpages had 1-3 sentences discussing a particular topic with a “read more” link following. These links were followed until the data were sufficiently captured. However, data were not captured nor hyperlinks followed if it continually recessed from the logical scope of research, namely, diverged from the localized data origin of the “parent” Webpage and into another Website entirely.

Since the current study utilized an inductive analytical approach data were collected freely as per open coding parameters. A document reader was employed in which key words, phrases, and contextual constructs were bolded, italicised, and/or underlined to highlight specific conceptual themes that began to emerge as data collection continued. In other cases, downloadable PDF brochures, research reports, and news reports were available. These were saved in the corporations’ corresponding data collection folder and were evaluated in the same manner as webpage data.

Visual and audio data were also subjected to data collection. Colours, images, video clips, and audio recordings were found on various webpages. Research that includes visual data may, as Pauwels (2006) explains, “choose to refrain from using the visuals (a very crude measure) or try to make them unrecognizable” (p.368).

There is an obvious difference between visual data that are specific (ie: a particular identifiable person) and those that are not (ie: a particular person that is not identifiable). Because the current study involves corporations who list (among other things) board of directors,

executive members, financial officers, and so on, complete with autobiographical details and a recent picture it would be unethical to include specific names or pictures as the individual person cannot be insinuated in agreement of company specific opinions. For that reason, collected data that were found in these sections (education level for example) were severed from the specific individual and simply used as an ordinary text-based data source. If audio and visual data were collected they were transcribed in a word document and saved.

Once the data were collected, I immersed myself within it allowing themes to emerge naturally. Major themes were defined as concepts, words, or phrases that were shared amongst three or more corporate webpages whereas minor themes were defined as concepts, words, or phrases that were shared among two or fewer corporate webpages. Once major and minor themes were established I began to evaluate the discrepancies between online data and published scholarly and academic accounts. These discrepancies became a separate yet inherently connected theme of “noticeably absent”. This reflects the challenge that “few studies have delved into what messages are specifically *trying to convey and how they convey it*” (Emphasis Added) (Weare & Lin, 2000. p.285). Meaning is not only what is written but equally what is absent.

As a final note, a fourth thematic category was created. Resulting or Constructed category reflects the collation of major, minor, and absent themes. Resulting themes are important as they were not the result of data dissection techniques; instead, these constructed themes attempted to create a holistic interpretation of the data rather than individuating it. It should be noted that resulting/constructed themes are entirely subjective and as a limitation will be discussed further in Chapter 5.

### 3.4. Sample

A total of four corporation websites were selected for analysis. In general these corporations were selected for three primary reasons. First, they operate in the United States of America, on the assumption that, if Canada were to once again adopt correctional privatization, they would more than likely choose an American based company as previously witnessed during the turn of the millennium. Second, the size of the corporation, some having multiple subsidiaries and various branches of correctional services such as offender transportation services, healthcare, and pharmaceutical divisions, was an important consideration. In total, this sample included the top three private corrections providers along with a relatively new company that demonstrates the direction the field is moving. Finally, two out of four companies were selected because they offer public shares on the stock market and access to Securities and Exchange data was available for analysis without necessitating direct contact to obtain such documents. The following information was recorded directly from corporate websites.

#### *Corrections Corporation of America*

Corrections Corporation of America (CCA) was the first company to operate and manage a correctional facility in the United States. Founded in 1983, CCA is the fifth-largest corrections system in the U.S, behind only the federal government and three states with a total capacity of roughly 75,000 offenders and detainees in more than 60 facilities. Forty-four of these facilities are company-owned, with a total bed capacity of more than 80,000. CCA currently partners with all three federal corrections agencies (The Federal Bureau of Prisons, the U.S. Marshals Service and Immigration and Customs Enforcement), nearly half of all states and more than a dozen local municipalities.

They are publicly traded on the NYSE CXW. Headquartered in Nashville, Tennessee, CCA employs nearly 17,000 professionals nationwide in security, academic and vocational education, health services, inmate programs, facility maintenance, human resources, management and administration. The company has been named among “America’s Best Big Companies” by Forbes magazine and ranked number one in the publication’s “Business Services and Supplies” category. G.I. Jobs magazine also named CCA as a “Top 50 Military-Friendly Employer.”

Total management revenue for the year ended December 31, 2011, increased 3.7% to \$1,729.2 million from \$1,668.3 million during 2010. For the full-year 2011, CCA generated net income of \$162.5 million, or \$1.54 per diluted share, compared with net income of \$157.2 million, or \$1.39 per diluted share for 2010, representing an increase in diluted earnings per share of 10.8%. Adjusted net income during 2010 was \$158.9 million, or \$1.41 per diluted share, representing an increase in diluted earnings per share of 9.2%. Adjusted net income for 2010 excluded a non-cash charge of \$1.7 million for the write-off of goodwill associated with the termination of the management contracts for the Gadsden and Hernando facilities located in Florida, which were previously in the managed-only segment of the business.

### *The GEO Group*

The GEO Group was established in 1984. To date, GEO’s operations include the management and/or ownership of 115 correctional, detention and residential treatment facilities encompassing approximately 80,000 beds. The GEO Group employs over 20,000 professionals, and is dedicated to the safety and care of the individuals assigned to their custody on behalf of federal, state, and local government agencies. Knowledgeable employees are experts in facility

design, financing, contract compliance, risk management, general administration, security, health services, human resources, information technology, basic education, vocational training, counselling, substance abuse treatment, mental health services, specials needs populations, food service, and facility maintenance to ensure that the high level of service their clients demand is adequately provided in each of their business units.

The GEO Group also operates the GEO Care subsidiary which supports:

Residential Treatment Services  
Total 6 Facilities and 1,970 Beds

Community-Based Services  
Total 21 Facilities and 2,887 Beds

Day Reporting Centers  
Total 35

Youth Services  
Residential  
Total 16 Facilities and 1,693 Beds

Non-Residential  
Total 7 Facilities and 1,047 Beds

The GEO group is publicly traded on the NYSE under GEO. The 2011 annual report detailed a total company revenues climbing to \$1.6 billion and pro forma net income increasing to \$98.5 million. The GEO Groups acquisitions of Cornell Companies and BI Industries have strengthened their corporate profile and place them at the top of American correctional service providers.

#### *Management and Training Corporation*

Founded in 1981, Management & Training Corporation (MTC) is a privately- held company headquartered in Centerville, Utah. MTC successfully operates Job Corps, corrections,

medical, and international and domestic workforce development contracts serving disadvantaged populations. MTC's claims a “track record of integrity, leadership, performance, and innovation” that has made it the U.S. Department of Labor's largest Job Corps operator and the third largest operator of private adult correctional facilities employing roughly 9 000 people.

### JOB CORPS

MTC began as a contracted operator of Job Corps centers for the United States Department of Labor. Job Corps was established in 1964 as a part of President Lyndon B. Johnson's War on Poverty. Nearly 50 years later it is still going strong, with more than 120 federally-sponsored training centers in the US and Puerto Rico. Job Corps provides educational and vocational opportunities from young men and women, ages 16 to 24. This residential training is free to qualified students.

MTC has long been the nation's leader in providing Job Corps management. MTC operates, or partners in operating, more centers than any other management provider. MTC is the number one performer of all management companies that operate more than three Job Corps centers. MTC instructs more than 16,000 Job Corps students each year.

### CORRECTIONS

Building on experience in operating residential job training programs, MTC entered the private corrections industry in 1987. MTC operates its corrections division with the philosophy *rehabilitation through education*. MTC pursues nationally-recognized accreditations from the American Correctional Association (ACA) and the Correctional Education Association (CEA).

## SEARCHING FOR TRUTH IN PRIVATIZED CORRECTIONS

Today MTC is the third largest private operator of adult correctional facilities in the world. The company operates federal and state correctional facilities in Arizona, California, Florida, Idaho, New Mexico, Ohio and Texas. MTC has the capacity to serve 25,772 inmates. In addition to maintaining the highest level of security, MTC states that their “priority is in offering quality customer service”.

### MTC WORKS

In 1990, Management & Training Corporation expanded into workforce development. MTC’s innovative workforce development program, MTC Works, has provided employment and skills development training to workers in three Oregon counties. A creative approach to employment and skill development for dislocated workers, youth, adults, and special populations is one reason MTC Works continues to be a top performing contractor for the United States Department of Labor and the United States Department of Human Services. Each year MTC Works serves about 8,000 clients in Northwestern Oregon’s Clatsop, Columbia and Tillamook Counties.

### INTERNATIONAL DEVELOPMENT

The MTC International Development division was established in 2004 to provide vocational training to citizens in Iraq. At the time this project was the only one in that country designed to directly address the needs of unemployed Iraqi citizens. Training centers in volatile areas like Sadr City provided vocational assistance to more than 8000 Iraqis. Over the past few years, the MTC International Development division has participated in research and retraining efforts in China, Mongolia, Southern Sudan, Tunisia, Pakistan, Jordan, Palestine, Indonesia and Haiti. MTC often partners with other organizations to provide programming opportunities in countries around the world.



## MTC MEDICAL

This division was created in 2005 to provide medical and dental care at correctional facilities across the United States. This MTC division operates both within MTC-operated correctional facilities and in non-MTC facilities. To serve these inmate populations, MTC also draws upon its decades of experience in running medical facilities at Job Corps centers across the country. Either as MTC Medical, or in other capacities, Management & Training Corporation operates three medical facilities throughout the country.

MTC is not publicly traded therefore no SEC filings are available. However, MTC self-published data state that MTC had gross revenues of \$29 million in 1981 and gross revenues of \$667 million in 2010. Furthermore, Management and Training Corporation employs 50% of its workforce in providing correctional service, 48% of the workforce in MTC work programs and 2% of its workforce in MTC Medical division.

## *Emerald Companies*

Emerald Companies is a relative newcomer in correctional service. Since 1996, when the corporation began operation, Emerald claimed to provide “Solid Secure Solutions” to local, state, and federal agencies, as well as international clients through each of its operating divisions. These divisions, Emerald Correctional Management, Emerald Healthcare Systems and Tiger Pharmacy offer a full spectrum of design, construction, management, health care, and pharmacy services within a variety of correctional settings. Emerald currently provides these services to four Federal agencies, state department of corrections, as well as numerous cities and county jurisdictions.

To date Emerald Companies operate a total of six correctional facilities with an occupancy rate of roughly 3 800 beds. Furthermore, Emerald Correctional Management was selected as the “Knowledge Provider” (an external committee) for the operation and management of a 1,000 bed medium security facility to be located in Be’er Sheva Israel. This would have been the first privately operated correctional facility in Israel. Following the selection, a Supreme Court Ruling was passed prohibiting the private operation of corrections and detention facilities in Israel.

Emerald Companies also operates Emerald Healthcare Solutions which custom-designs a healthcare system to meet any customer need from a menu of services that range from limited on-site healthcare to full-service comprehensive complex care and accreditation for both correctional and non-correctional purposes. EHS provides policies and procedures, treatment protocols, utilization and claims management, audits (using a tool created for a specific facility,) pharmacy and supply services, Quality Assurance, indemnification, and more. In addition, Emerald recruits, hires, trains, and supervise all levels of health services employees, from clerks to physicians.

Finally, Emerald Companies operate Tiger Pharmacy which provides medications and medical supplies to jails, prisons, Sheriffs’ Departments and local government offices. Tiger designs a medication system custom-tailored to the needs of an organization, jurisdiction or facility. That enables tighter cost controls by providing consistency and accountability. Providing a list of approved medications (a “formulary”) to the physicians serving a client’s patients ensures the right medication, dosage and quantity is issued and that generic substitutes are used

when appropriate. Tiger Pharmacy provides the expertise necessary to ensure organizations are in compliance with State regulations and applicable standards.

Data collection began on January 01, 2012 and ended on May 01, 2012. Open coding was used to collect large amounts of data until saturation occurred. Online pages were saved for future reference. Using this large pool of data themes began to naturally emerge. Four specific themes emerged.

#### **4. Thematic Content Analysis of Web Content: Major, Minor, Absent, & Constructed Themes**

The following section will outline major, minor, absent, and constructed themes that were found within the data source. As previously discussed major themes were reoccurring themes, words, or phrases that were found across 2 or more corporate websites. Minor or outlier themes were those words, phrases, and themes that were found specifically on one corporate website and were not shared with other corporations. Absent or missing themes were classified as content that is discussed within scholarly or academic literature yet absent from discourse within the content source. Finally, constructed or resulting themes were classified as themes that emerged in the literature through subjective impression and comparison of major, minor, and absent themes. In doing so, the constructed or resulting themes provide a holistic understanding of the material.

#### **4.1. Major Themes**

##### *4.1.1. Cost*

Cost was perhaps the greatest thematic discourse found across all corporate websites. Its use varied from cost savings to cost effectiveness but in all cases its primary purpose was to

highlight how privatization “consistently saves hardworking taxpayers’ dollars” (Corrections Corporation of America). Support for cost savings was found consistently on the websites. Primarily cost saving claims were found on the main/home webpage, followed by sporadic and supportive use in other non-cost related sections. Finally cost evaluations were targeted in corporate self published research findings that reflected research on average/assumptive cost evaluations. It should be noted however that no specific quantitative data indicating the actual cost per inmate was disclosed.

It was clear that corporations were utilizing cost directed discourse throughout the webpage. In almost every section cost savings, effectiveness, and efficiency were being used to support other claims for correctional privatization such as quality, construction, government mismanagement of funds, and support for other welfare systems. For example, Corrections Corporation of America contends that states “creating a partnership with CCA to construct, manage and maintain their prisons allows governments to care for hardworking taxpayer dollars, while protecting critical priorities like education and health care”.

In this regard, corporations were actively attempting to direct attention away from the contentious issue of corrections onto a more favourable issues like education and healthcare. Furthermore, these claims create an illusionary effect that suggests that by implementing correctional privatization other welfare systems will benefit from increased funding. Corrections Corporation of America goes on to say that “when agencies partner with CCA, that can mean more money in the pipeline for new schools, better hospitals and improved roads. It can mean a real difference in the quality of life for local residents.” This point is further detailed by a white paper published by Management and Training Corporation which states:

After cutting nearly \$73 billion to make up for gaps in funding Fiscal Year (FY) 2009 budgets and over \$113 billion in FY 2010 budgets, states are being forced to cut even more to make future budgets balance. As a consequence of lower revenue from state sales and income tax, many experts are predicting that there will be budget shortfalls of \$55.5 billion in FY 2011 and \$68.8 billion for FY 2012. With about a third of annual state revenues coming from personal income taxes, states are expecting a more difficult time in the future as they observe a massive drop in revenue from a sustained loss of jobs and a corresponding decrease in personal income taxes paid, as well as Medicaid spending up almost eight percent in FY 2009. Overall, revenues were down in the first two quarters of FY 2009 almost 12 percent and 17 percent respectively. According to the report by the National Governors Association, “state revenues will likely not recover until 2014 or 2015” with some predictions that shortfalls could reach \$350 billion (December 2009).

Cost savings are also highlighted through secondary/tertiary services that are offered by various corporations. For example, Emerald Companies subsidiary healthcare provider states that “controlling healthcare costs has major financial and operational impact on an organization and it is therefore essential to have a partner experienced in managing limited healthcare resources appropriately and strategically. Emerald Healthcare Systems delivers demonstrated savings to clients through our proven methods of continuous monitoring of healthcare services”. Other examples such as MTC statement that since “corrections budgets being the fifth largest state budget category, competition with other spending priorities, such as education, infrastructure, and health, is very tight.” Thus correctional budgets are cast against other more favourable systems such as healthcare or education as a method of justifying correctional privatization.

### *4.2.2. Growth*

Growth was described in two distinct areas. The first growth area was profitability which was well documented in 3 of 4 selected sites (CCA, MTC, & The GEO Group). Corrections Corporation of America and The GEO Group, under SEC filing requirements, self published quarterly fiscal reports as per SEC regulatory requirements as they are

publically traded companies. Management and Training Corporation did not give specific quarterly reports but made brief mention of profit on a comparative basis for past years. Emerald Companies did not disclose any financial figures.

Corrections Corporation of America and The GEO Group had prominent stock displays and 20 minute delay stock quotes available on both the Home page and investor relation page which was framed in a discussion of profit and growth. Investor relationship pages included contact information along with quarterly reports available to download or browse. For example, The GEO Group's Investor Relation Page had the following topical hyperlinked headings:

- DISCLAIMER
- ANALYST INFORMATION
- ANALYST COVERAGE
- ANALYST ESTIMATES
- STOCK INFORMATION
- STOCK QUOTE
- OWNERSHIP PROFILE
- INVESTOR COMMUNICATIONS
- ANNUAL REPORTS
- PRESS RELEASES
- CONFERENCE CALLS/WEBCASTS
- SUPPLEMENTAL FINANCIAL DISCLOSURES
- SEC FILINGS
- CONTACTS
- FINANCIAL INFORMATION
- FINANCIAL REPORTS
- FINANCIAL STATISTICS
- INVESTMENT GLOSSARY
- E-MAIL ALERTS

In comparison to other sections of the webpage, profit related sections such as investor relations made up a relatively large section of the data source. Furthermore, the amount of data found within quarterly earnings reports and other investment based PDF

material numbered in the hundreds and was quantitatively detailed in contrast to other sections of the webpages.

The second manner in which growth was described was in a material sense through corporate acquisitions of real estate, purchasing other correctional providers' assets, and construction of new correctional facilities. Growth was especially visible when executive members' biographies were examined. For example, CCA stated:

The real estate aspect of our business is keenly important, and we are very pleased to have someone with - Omitted Name - depth and breadth of experience to help lead these critical functions in our organization," said CCA President and CEO. His strong knowledge and experience are well suited for the large scope and complexity of CCA's construction projects. I look forward to the strategic innovation and direction that - Omitted Name- will bring to the entire organization.

These views are supported by Emerald Companies who explain how “- Omitted Name - focus is on setting goals for the company, primarily in the areas of acquisitions and financial strategy”. In describing another executive member Emerald states that he “met the aggressive growth and operations targets set by the company” and that “growth is essential for any national company”.

Corporations who file SEC reports generally include a section in which growth risk assessments are provided. The GEO group for example lists (among other details which will be discussed later) several key growth risk assessments:

- our ability to expand, diversify and grow our correctional, mental health and residential treatment services businesses

- our ability to identify suitable acquisitions and to successfully complete and integrate such acquisitions on satisfactory terms;
- our ability to successfully integrate Cornell and BI (purchased correctional providers) into our business within our expected time-frame and estimates regarding integration costs
- our ability to accurately estimate the growth to our aggregate annual revenues and the amount of annual synergies we can achieve as a result of our acquisition of Cornell and BI

Growth was a primary focus for all corporations under study. The ability to procure additional real estate opportunities, construct new prisons, acquire new contracts and buy out rival companies was a central theme throughout. Growth was also prominent through the characteristics of top level managers whose experience was focused in various areas such as real estate and corporate acquisitions. The importance of growth is summarized nicely in Management and Training Corporations mission statement of “providing long-term growth and stability while ensuring fiscal responsibility.”

#### *4.2.3. Size*

Every corporation made explicit reference to the number of managed facilities; maximum inmate population served; inmate population served by secondary services such as healthcare or transportation services; and the increased buying power of private corporations. All of these measures were used to justify why governments or states should use private correctional services. For example, Corrections Corporation of America states that “the company’s size enhances purchasing power and achieves economies of scale,



which delivers value to customers” and as an “alternative funding source, CCA can build prisons – typically costing \$50 million or more – without partners assuming corrections-related debt, which frees agencies to fund new schools, hospitals and other taxpayer priorities”.

The total capacity and the number of managed facilities were used to develop a strong thematic discourse revolving around a notion of “everybody’s doing it”. By stating the number of facilities managed, total inmate population that can be served (note that it is not actual population served), the number of employees, and the number of active contracts, expansiveness claims serve to firmly entrench private correctional service as the best choice for incarceration. By giving credit to the size and power of the company, government agencies on the cusp of determining whether to privatize or not, may look at size claims and believe that because the company is established and has many contracts/facilities/employees it is clearly the best route for their correctional problem.

#### *4.2.4. Press/News Releases*

Positive news coverage or corporate published web stories were found across all corporate websites. News coverage was always positive in nature but was narrowly focused on correctional institutions’ accredited performance such as safety audits or compliance evaluations and various community involvement initiatives. Examples include CCA being “named among “America’s Best Big Companies” by Forbes magazine and ranked number one in the publication’s “Business Services and Supplies” category. G.I. Jobs magazine also named CCA as a “Top 50 Military-Friendly Employer”.” Another example states that “Emerald's San Luis Regional Detention and Support Center passed the 2001 ICE audit with ZERO findings,

again. This was made possible by staff, services, programs, health care and security operations essential to effective correctional management.” It should be noted that all news releases and pictures displayed were from local news agencies and not national agencies.

### *4.2.6 Careers*

Every content source had mention of a career in corrections with emphasis on the rewarding nature of such employment. Examples included CCA’s statement that their employees “answered to a higher call” and how employees “abide by the strong sense of accountability” by helping “tens of thousands of people” (MTC). All corporations had a section in which available employment opportunities were listed with “apply online” tabs available to submit applications. While online applications are not thematically important per se the notion attached to such employment, specifically notions such as The GEO Group statement that “by joining our family, you’ll receive the honor and recognition that comes with working for the industry’s global leader” supports a perception that a career within corrections is valued and worthy in contrast to academic literature which would generally disagree with such descriptions, especially in the context of private facilities (citation).

### *4.2.7 Claim Making/Buzzwords*

Marketing promoters often use catch phrases or buzzwords to sell a product or service to consumers and within the realm of private corrections this fact remains true. Throughout every corporate webpage there were numerous examples of words or phrases that were used to validate privatized correctional management of facilities and why private corrections was the best choice for widespread adoption. These terms will be discussed under the umbrella term of “Claim

Making/Buzzwords” as each buzzword or phrase was discussed as support for correctional privatization.

*Leadership* claims were made by all corporations under study and typically, these claims were found on the home/main page, and subsequently throughout the entirety of the website (Emerald companies did not make a leadership claim directly but stated that they were the “best” private correctional provider). Leadership claims were substantiated through the culmination of buzzwords or phrases that support a leadership role in corrections. For example, Corrections Corporation of America claims it as “America’s Leader in Partnership Corrections”; The GEO group “is a world leader in the delivery of private correctional and detention management, community residential re-entry services as well as behavioral and mental health services to federal, state and local government agencies”; and Management and Training Corporation claim that its “track record of integrity, leadership, performance, and innovation” has made it a successful operator of correctional services. The following section will detail the specific buzzwords that were used to support a leadership claim.

*Experience* claims were utilized by every corporation as justification for leadership in the private corrections field. Experience claims were cast in quantitative measures, typically years of involvement with correctional provision. For example, Corrections Corporation of America claims to have “25 years of successful partnership” with various governments and states. This is echoed by Emerald Companies who boast of over “15 years of service” and both The GEO Group and Management and Training Corporation stating their existence in corrections as of 1984 and 1987 respectively.

Macro-level experience claims such as those illustrated above are only half of the experience coin. The other micro-level experience claims are found across managerial positions where experience is cumulatively described. For example, Emerald Corporation states that their “seasoned executive staff has more than 200 years of operational experience within their respective area of expertise”. Further, “CCA’s management team has more than 500 years of combined criminal justice experience” and “experience allows MTC to use best practices to effectively manage resources”. These examples highlight how company existence and individual experience in the criminal justice system demonstrate leadership in the private corrections field.

*Innovation* is used frequently to describe developments in technology, construction, safety, security, and financing within correctional privatization. Corrections Corporation of America explains that “prototypical facility design achieves state-of-the-art amenities in safety and security, inmate housing and overall facility layout. CCA’s commitment to technological innovation incorporates the latest technical capabilities into new correctional infrastructure, which optimizes staff efficiency and maximizes security.” Another example highlights how Management & Training Corporation “implemented an innovations program which rewards our facilities for developing new and innovative ways to become more environmentally-responsible”.

Innovation is used to describe a wide plain but in all cases limited or no proof is offered as to what innovation was produced or how innovation affects other performance indicators such as cost or quality. Innovation was used as a blanket term with no actual statistical representation; instead, it was used to describe minimal or moderate changes to

the construction of prisons or the operations of prisons without any specific detail. It should also be noted that examples of “innovative programs” (GEO Group) were either not detailed specifically with regard to what innovation they are specifically referring to or were used to describe long standing requirements such as educational programs (GED) or simple drug treatment programs that are offered in *some* facilities.

*Accountability* was defined as the result of successful public – private partnerships by all correctional corporations under study. There were multiple constructions of accountability including financial, legal, shareholders (for 2/4 corporations), and accountability toward government/state and the taxpaying public. For example, Corrections Corporation of America explains their “approach to public-private partnership in corrections combines the cost savings and innovation of business with the strict guidelines and consistent oversight of government”. Further, Management and Training Corporation proclaim that “studies show accountability is higher at privately-operated prisons than at public facilities. MTC’s contracts include performance standards that public institutions do not have to meet. Ask our customers! They will attest to MTC’s effectiveness.”

While accountability was primarily attached to the idea of public – private corrections accountability it was moderately attached to concepts surrounding quality assurance. For example, every corporation made explicit and clear statements regarding their involvement with accredited correctional review boards. Management and Training Corporation explained how they “pursue nationally-recognized accreditations from the American Correctional Association (ACA) and the Correctional Education Association (CEA).” In another example, Emerald Companies stated in a press release that the:

Texas Commission on Jail Standards conducted their annual surprise inspection at Rolling Plains Regional Jail and Detention Center. The three day audit conducted by TCJS inspector – Omitted Name - found no deficiencies. The Inspector was very complementary and pleased with the staff and the facility itself. A Certificate of Compliance was issued upon the review of the report by the Executive Director of the Texas Commission on Jail Standards.

*Public – private partnership* was another strong theme that emerged throughout the data. For example, Corrections Corporation started in “1983 with a progressive vision: to create public-private partnerships in corrections, replacing the government-only failures of the past with smarter, more effective solutions for the future.” Other corporations such as Emerald Companies explain how they have “partnered with the government”...and “is a perfect example of a company engaged in successful public-private partnerships” while Management and Training Corporation boast several successful “public-private partnerships”.

Public – private partnerships were used to develop an ideology that current publicly managed correctional facilities were missing out on the benefits of private control. For example, Corrections Corporation of America explains that its partners enjoy “cost-effective correctional solutions, backed by the expertise of capable leaders. All three federal agencies – the Federal Bureau of Prisons, Immigration and Customs Enforcement and the U.S. Marshals Service – nearly half of all states and numerous county agencies partner with CCA.” Furthermore CCA goes on to explain how “partnering with CCA reduces possible liability costs associated with operating jails and prisons, as the company indemnifies clients against such action”.

Public – private partnerships are thus utilized in three distinct ways. First, corporations use the term to promote a sense of public accountability. Second, public – private partnerships indicate a mutual acceptance and agreement from all actors for the provision of incarceration.

Finally, the term is used to promote correctional privatization by indicating how government and state authorized expenditures can benefit from increased budgets and reduced liability claims vis-a-vis correctional privatization.

*Community relations* were found across all selected corporations and were cast in two distinct ways. First and foremost community relations via community safety were discussed. Many examples were found throughout the data sources with reference to “being an ambassador of safety and security for inmates, the surrounding community and fellow staff (CCA).” Other references included accounts of “operating safe, humane, and secure facilities, while simultaneously protecting communities and providing detainees and inmates “(Emerald Companies) and “maintaining the highest level of security” for communities (MTC). Corrections Corporation of America states that “when it comes to prisons, nothing is more important than the safety and security of America’s families and communities. Unfortunately, many prisons in America are outdated and overcrowded – presenting a clear, serious threat to safety. And experts predict the inmate population will rise for years to come”.

The second fashion in which community relationships were formulated was around a notion of positive economic gains. For example, CCA claims that “economic and fiscal dynamics often change for the better. There is an immediate infusion of capital that positively impacts entire towns, grows the tax base of a community, creates jobs and grows businesses, large and small”. They further explain that correctional “facilities offer many professional opportunities, often bringing needed, recession-resistant employment to economies affected by cyclical industries, such as mining or agriculture, or impacted by manufacturing closures and employment slowdowns.”

In conjunction with economic gains positive community relations were also formed around community involvement initiatives. For example:

MTC places a high priority on being a good neighbor in the communities where we do business. One way to do this is by encouraging our facilities to be active in their local communities and to work to become a well-recognized resource for community service and volunteer opportunities. In 2011, MTC-operated facilities completed more than 1,380,000 hours of community service and volunteer work across the nation working in conjunction with Habitat for Humanity and other local service groups.

Other corporations such as Emerald Companies share similar accounts of promoting community involvement. For example, the “San Luis Regional Detention and Support Center maintains a positive relationship with the City of San Luis. Representatives from each respective entity attend and participate in each other's ceremonies and important events”. Further, “local donations in the form of time and money annually are provided to local youth programs such as baseball, football, soccer, basketball and after school tutoring” and that:

The LCRDC created Emerald’s Helping Hands Committee to assist employees, employee family members and the surrounding community in times of need. In partnership with the community, fundraisers are coordinated for families who have incurred a tragedy or loss; and as a result of school funding, staff have gathered, prepared and distributed Christmas gifts to the Encinal Elementary School.

Finally, CCA notes that “the company also provides valuable economic benefits to its local community partners by paying property, sales and other taxes, and providing a stable employment base that focuses on building careers with unlimited growth and development opportunities”.

*Rehabilitation* was another common buzzword across all corporations. Generally, rehabilitation referred to the treatment of offenders and inmates under custodial care. In specific examples however, rehabilitation was cast in conjunction with innovation, meaning that



companies were creating new rehabilitative techniques. For example, Management and Training Corporation have created “Fatherhood Initiatives” wherein they support the “critical” role that fathers play in childhood development. While this example is quite specific other claims such as The GEO Group’s “ground-breaking treatment approaches” are vaguely described without any real detail. The majority of corporations simply refer to rehabilitation as educational regimes such as basic GED attainment and individuated behavioural modifications or drug treatment programs. In only one instance (MTC) did corporations not ignore broader social issues and their relationship to crime and criminality. For example, MTC developed the Job Corps program before entering the corrections field. During this time, and as part of President Johnson’s “War on Poverty”, MTC helped disadvantaged youth build employable workplace skills. In this regard, MTC was focused on the relationship between social forces, in this case poverty, and crime.

#### **4.3. Minor Themes**

##### *4.3.1. Inference Based Classification of Offenders*

Offender characteristics such as demographics, crime committed, or time being served was not described in any detail. Instead corporations used indirect or reference based characteristics to convey to the reader a general sense of the offender population. Interestingly corporations used different indirect characterizations to detail the offender population. Yet in the end, offender generalizations coalesce and trends appear.

The GEO Group had literally no information on offender populations throughout the data content. The only mention of offenders was through the vague mention of behavioural treatment

offered to offenders. Other than this slight glance offenders were completely ignored throughout the entirety of The GEO Group's website.

While The GEO Group utilized silence to define offender populations other corporations such as CCA provided slightly better insight into offender populations through the rehabilitation section. While CCA did not offer any concrete offender demographics they offer a glimpse of what an offender, according to CCA, needs to be successful. For example, under CCA's "Success for Life" offenders are offered the following programs:

- Attendance
- Career exploration
- Following instructions
- Hygiene
- Job lead sources
- Proper attire
- Punctuality
- Time management

These programs are fuelled by the CCA's belief that "inmates are men and women who have made bad choices that landed them in prison" and that "to change the basic thinking patterns" of offenders requires treatment themes such as:

- Rational thinking
- Criminal lifestyle
- Lifestyle balance
- Living with others
- Negative thinking patterns and behaviours
- Faith-based programs

Although Corrections Corporation of America cast offenders as making bad individual choices that ultimately led to their capture and incarceration, other corporations such as Management and Training Corporation classify their approach as “rehabilitation through education” and that “MTC’s social responsibility initiatives foster a culture of caring about our employees, students, offenders, clients, the community, and the next generation.”

Comparatively CCA and MTC have unique classifications of offenders. One infers that bad choices and poor personal lifestyle were the cause of prison while the other argues that offenders landed in prison because of broader issues like lack of education. For example, MTC’s list of programs offered includes (Capitalization in original):

- ANGER MANAGEMENT
- CAREER AND TECHNICAL EDUCATION
- COGNITIVE RESTRUCTURING
- COUNSELING AND TREATMENT
- CRISIS INTERVENTION
- EDUCATION ASSESSMENT
- ENGLISH AS A SECOND LANGUAGE
- GED AND ADULT BASIC EDUCATION
- INDIVIDUAL AND GROUP COUNSELING
- JOB PLACEMENT
- LIFE SKILLS
- RELIGIOUS PROGRAMS
- SUBSTANCE ABUSE EDUCATION

Similar to The GEO Group, Emerald Companies does not divulge much information about offender populations. There is however inference based data that allow a brief description of the population served, as no specific data or demographics were disclosed. When considering the total number of facilities operated and examining what security level or government agency

they are working with, it is interesting to note that four of five correctional facilities under Emerald Companies care are in partnership with the U.S Marshall Service & Immigration Offices. With this in mind we can better understand the offender population being served under Emerald Companies care. Specifically, increased immigration offenders who are either awaiting a judicial verdict or are currently serving a prison sentence are being privately contained.

Across every example however the offender remains relatively anonymous with only indirect claims allowing the public to gauge who they are, what they did, or how long they will serve. We must also remember that corporations overwhelmingly contend that safety and security of communities and staff are paramount, implying that offenders are dangerous and prone to violence and escape. While corporations clearly differentiated between how they represented offenders, they classified offenders as dangerous, uneducated, maladjusted, drug and violence prone, and incapable of basic “civilized” facets of life such as personal hygiene through the types of programs offered. In the end, offender voice was silenced and remained absent from any discussion throughout corporate websites relying on indirect characterizations to make the reader “build-a-con”.

#### **4.4. Absent or Missing Themes**

The following section outlines discourse that “ought to be” present on corporate websites. This section compares online material with the material covered in Chapter 2.

##### *4.4.1. Offender Demographics*

As previously mentioned specific offender characteristics were noticeably absent from online discourse. Important demographics such as inmate age, race, sex, crime committed, time being served and tentative release date are absent. Corporations who operate correctional facilities have the unique ability to specify such information to the public yet seemingly refuse to

do so. Offender demographics would logically be considered a major topic for correctional providers to include in their informational packages, such as published articles or in-house research. Demographics have always been a mainstay of quantitative data analysis allowing researchers to explore how certain variables impact or predict effects on demographics such as sex, age, employment category, or salary. The omission of demographics in the data impacts future research in restricting the amount of relevant offender data that could assist in justice, correction, and treatment research.

### *4.4.2. Women*

Women were also a notably absent theme in the discourse in several areas. First, no mention of the unique needs of female inmates was discussed. Their only mention was found when corporations were discussing the locations of their facilities and the population they serve. For example, Emerald Companies explained that LaSalle County Regional Detention Center “houses male and female pre-trial detainees with a total capacity of 566 beds”. The simplistic mention of “men and women” was the only mention of female inmates within any of the data.

Second, the unique needs of female correctional professionals were equally ignored. For example, several companies listed approved holidays and special dates that an employee could choose not to work. Missing from this list however was any mention of maternity leave for female employees while male specific courses, such as Father’s Rights Groups, targeted male segments of inmates and employees. In this regard, female inmates’ and female employees’ unique needs were ignored by corporations and male dominance in both areas was clear.

### *4.4.3. Alternatives to Incarceration*

It should come as no surprise that corporations providing government or state with incarceration should speak of anything less than incarceration to deal with crime. Alternatives to

prison such as restorative justice, victim – offender mediation, and community release programs have garnished support. In this regard, corporations make it explicitly clear that incarceration *is the answer* rather than *one of the answers* to crime. No corporation under study provided alternatives to prison. Furthermore, corporations who made rehabilitation claims spoke of such programs in relation to prison, meaning that programs such as basic GED and drug treatment programs were better suited while serving a prison sentence.

Alternatives to prison remained silent as corporations under study did not identify any other possible outcome of crime but prison, even though many of the programs they list under “rehabilitation programs” include programs available outside of prison such as drug treatment or GED attainment.

#### *4.4.4. Recidivism*

Conveniently, the best measure of criminal reform discourse was absent from all corporations under study. Recidivism refers to the number of offenders who, upon being released back into the community, re-offend again within a specific time period. While recidivism was briefly mentioned by a self-published report by MTC referring only to the extent to which recidivism is a “problem”, no other discussion or statistics were presented by any corporation.

Recidivism is perhaps the best measure of correctional performance. Offenders who are issued a prison sentence, serve their time, and reintegrate with society without re-offending is considered the overall premise of incarceration. It seems odd that corporations would not discuss this trend considering its implications for correctional reform. While other measures were discussed in great detail (cost, programs, investors) the one measure that can accurately measure correctional success was absent.

*4.4.5. Restricted Access*

It should be no surprise that corporations in the business of locking people away are also quite adept at securing information. Despite the large quantity of data recorded from corporate websites there remained a potentially large amount of data that was unavailable for collection. First, there were several examples in which webpage's were unavailable or 404 errors (not found) blocked any data collection. This problem is not so much an "internet as a tool problem" (although limitations of the internet will be discussed in chapter 5) as it is a "corporations securing data on the internet" problem. The GEO Group for example had several pages under construction thus restricting data collection. Furthermore, The GEO Group website was riddled with 404 errors making thorough data collection virtually impossible. Along this thought path it should be considered to what extent corporations have knowledge of, and allow, webpage errors to occur and restrict access.

The more common access restriction was in the form of secure intranet servers. These are employee only webpages that is password secured and separate from the public access website. Corrections Corporation of America and Management and Training Corporation both had employee intranet portals that were unavailable to the public. In this regard, specific information such as employee blogs or specific institutional information was unavailable for collection. Such restrictions raise obvious questions and logical comparisons between physical barriers such as walls and fences found securing inmates to securing information via intranet and website construction.

#### **4.5. Resulting/Constructed Themes**

This section explores themes that were created throughout the literature. Although major, minor, and absent themes are important to consider individually their importance is enhanced when they are taken together. This thematic construction is the opposite of discourse dissection; instead of deconstructing ideas, words, and phrases into sample units that highlight specific fields, this section examines how these themes taken together form an individual's understanding of the content.

##### *4.5.1. Commodification of Offender*

Throughout the companies' websites, offenders were not afforded any sense of voice or description. Instead offenders were constructed along stereotypical lines such as "dangerous" or "in need of specialized assistance" such as drug treatment, anger management, and rational thought modification. However a striking nuance that was discovered was the commodification of offenders; how offenders were construed as profitable while having their human character stripped away in the process. Offenders were simultaneously classified as threatening public safety and capable of creating profit for others while incarcerated. In this way offenders were described as having more "purpose" behind bars instead of free; providing jobs for others and improving communities in which they are serving their sentence, giving back to society by becoming a resource.

The process of inmate commodification is further evident when profit discourse greatly exceeded other forms of content, specifically offender focused content, found on corporate websites. For example, The GEO Group's investor relations tab, much like Corrections Corporation of America investor relation tab, provided hundreds of pages of financial material



while any discussion of offenders were limited to brief generalizations typically limited to 1-2 sentences or indirect inferences guised as public safety or rehabilitation.

#### *4.5.2. Normalization of Incarceration*

The entire data set normalized incarceration as an acceptable method of formal social control. As previously mentioned there was no discussion about alternative methods of justice; incarceration is simply the best method and is further enhanced by private involvement. Throughout the data set corporate claims of leadership and experience justify the continued use of correctional privatization. Of course what cannot be forgotten is that any discussion regarding correctional privatization presupposes a positive discussion around the ideology of incarceration. Corporations did not tackle any discussion on incarceration; they simply shifted focus to describing how private interest in corrections can enhance the purpose of prison rather than any debate on prison itself.

This point is furthered when corporations who self published reports focus narrowly on issues that do not question incarceration as an acceptable method of formal social control. Reports were often focused on performance accreditations that indicate that facilities are providing excellent care and operating effectively. Community relations were also highlighted showing the positive benefits that corporate involvement in the town has. Finally, reports focused on employee relations such as retention rates among guards. All of these examples highlight how corporations have normalized prison, shifting discourse away from the single greatest question (is incarceration really the best) and creating discourse that merely assumes that prison remains the best choice under the umbrella of formal social control.

#### 4.5.3. *Security of the Community*

A third and final overarching thematic discourse involves a construction of public safety and security. Throughout the literature offenders were afforded no real sense of identity, leading readers to construct negative offender identity through inference based connections provided by the corporation. Simultaneously corporations made explicit statements regarding public safety as their primary concern along with positive impacts on communities in which correctional facilities are located. Taken together, these descriptions indicate that private correctional facilities or, correctional facilities *in general*, make society safer.

Of course there has never been, to the best of my knowledge, research to suggest that prisons make society safer. It seems strange that claims of safety are presupposed from the backend of the apparatus of criminal justice. Indeed we must ask the question, how does the final step along the continuum of justice make society safer, especially when most offenders will at some point be reintegrated into society? It would be logical to question, when we consider that prisons are frequently escaped from, how such safety statements can be made.

Public safety has always been a central catalyst for criminal justice reform. Communities are facing an interesting paradox: wanting to avoid unemployment and deteriorating conditions that give rise to crime by allowing a criminal warehouse to be constructed in their community. That leads to another important question, namely, why do some communities obtain these positive results when other communities, such as the poverty stricken ones, have no positive results to bear? If we take what corporations firmly contend, logically, the communities that export the most criminals ought to have prisons built in the communities, since the existence of prisons, according to these corporations, enhance public safety and create positive communal impacts.

## **5. Discussion, Limitations, Future Research & Conclusions**

This purpose of this paper was to explore a notable gap in criminological research; specifically, the lack of exploration of self-published online content by privatized correctional providers. In a general sense, this paper utilized an exploratory content analysis of webpages belonging to four privatized correctional providers in the United States of America to determine what information was presented to the public via online representation. In a more specific sense this paper continues to explore what Foucault (1995) refers to as the “new economy of power” (pg.80). At the beginning of this paper I posed three research questions:

- 1) What general and specific information is available through private correctional corporation’s online webpages?
- 2) In what sense has Foucault’s “new economy of power” been extended through online content?
- 3) How does the information on these webpages impact the ideology of incarceration?

The aforementioned questions shall be answered in the following sections. First, Foucault’s analysis of the evolution of corrections will be furthered by exploring how the “new economy of power” to which he referred, has continued, albeit differently, through neo-liberal influence within correctional service. Second, a combinatory discussion regarding the general and specific information found within the content and the resulting impact on the ideology of incarceration will highlight how the research of academics is going largely unnoticed and corporate reports purposely omit important facts to the public. Finally, future research and limitations of the current study will be addressed before a concluding argument is made.

## **5.1. Foucault's New Economy of Power and the Terror of Neo-Liberalism**

The following section will discuss how Foucault's "new economy of power" has impact across three distinct levels. First, this new economy of power will be explored at the individual level through offender commodification. Second, incarceration at an ideological level will be explored via normalization of incarceration resulting from increased community support and profit driven interests. Finally, this new economy of power will be examined at a societal level across two specific areas; the further restriction of societal access and intervention within corrections and the shift from power of government in society towards the power of corporations in society.

### *5.1.1. Offender Commodification: AKA Slavery*

The body of the offender remains securely behind the walls of the prison while the soul of the offender remains tied up in stereotypical judgements of victim and community safety; however offenders are now being classified in an economic manner. This is not to say that they were never regarded in any economic sense, but a very specific profit and resource relationship has emerged. The restriction of offenders via coercive formal control has become a valuable commodity, something that can be traded, bought, and sold. As Foucault (1995) writes, "the ideal would be for the convict to appear as a sort of rentable property: a slave at the service of all" (p.109).

The notion that privatization is simply a new era of slavery is particularly troubling. For example, Rev. Sala W.J. Nolan (2012) agrees that prisoner commodification is the "new slavery" while Marian Wright Edelman (2010) supportively states that:

The privatized, for-profit prison industry is particularly plagued by a conflict of interest at its core: On the one hand, the industry is responsible to its shareholders to make money, and its income is determined by how many beds are filled. On the other hand, its civil responsibility to the inmates and to the whole of society is to help incarcerated people become their intended selves, and to prepare them to succeed upon release. It is well established that services and programs like job training and education serve to lower the occurrence of re-offense. But it is better for the company's bottom line to minimize staff and services, let the inmates succeed or fail on their own terms, and reap the financial benefits of strict sentencing laws and high rates of recidivism. It is this experience of exploitation, frequently referred to as a modern day form of slavery...which we have been called to dismantle.

This new typology of prisoner, commodified to the core, maintaining physical and mental locks yet freeing economic potential redefines the new economy of punishment. Various statistics have been used to describe the economics of corrections with per diem analyses prominently on display detailing the cost of prisoners, their economic burden on society. These analyses have changed however, shifting from negative economic connotations of cost toward positive economic figures such as profit. In this light, it is clear that by changing focus on incarceration from cost only to cost-profit tandem, public and government support for incarceration will remain.

The new economy of power has commodified prisoners, taking vulnerable sectors of society and locking them away in a place where liberty has a price and where a comparative value between freedom and incarceration can be determined. The so called "undesirables" of society - the impoverished, immigrants, minorities, drug users, the homeless, and the mentally ill will become targets for privatized corrections (Garland, 2000; Selman & Leighton, 2010; Wacquant, 2001). A so called "objective" determination of freedom for this group will be compared against their overall economic contributions to society. If the value of their freedom

does not equate their value while incarcerated, prison populations and aggressive criminal legislation will steadily increase.

Throughout the data, inmate commodification was evident. Stock and shareholder information dominated the majority of corporations' webpages (for the two companies that were publically traded). SEC filings specifically highlighted the profitable nature of incarceration. Corrections Corporation of America released a statement detailing yearend figures:

Total management revenue for the year ended December 31, 2011, increased 3.7% to \$1,729.2 million from \$1,668.3 million during 2010. For the full-year 2011, CCA generated net income of \$162.5 million, or \$1.54 per diluted share, compared with net income of \$157.2 million, or \$1.39 per diluted share for 2010, representing an increase in diluted earnings per share of 10.8%

Management and Training Corporation also highlighted the profitable nature of corrections. For example, MTC highlights that they had gross revenues of \$29 million in 1981, before entering the corrections field, and gross revenues of \$667 million in 2010 after they entered the corrections field. It is rather ironic that the corporation that originated as part of President Johnson's "War on Poverty" currently employs over half of their employees in the corrections field and their profit margins increased, through incarceration, 2300% over 29 years.

#### *5.1.2. The Normalization of Incarceration*

Corporations revealed nothing of substance regarding alternatives to prison. Indeed the very programs listed for rehabilitative purposes, such as GED attainment or drug treatment programs, were only mentioned under the direct control of incarceration. Incarceration thus becomes *the* normal response regardless of criminal typology. Murderers and drug users who are far from similar in terms of criminality and perceived severity differ only in their temporal condition while sharing lock and key.

Foucault (1995) writes that “the self-evident character that prison punishment very soon assumed...it appeared so bound up and at such a deep level with the very functioning of society that it banished into oblivion all the other punishments that the eighteenth-century reformers had imagined” (pg.232). The self evident character of incarceration is further etched into societal fabric through private interests. Considering that the abandonment of incarceration was not feasible as its use became entangled in our very understanding of life as the association between liberty and time influenced our rationalization to sufficiently punish. Capitalist economies are further entrenching the idea of incarceration. Not only must it operate as a mechanism in the deprivation of liberty and time, now it must also be economically profitable instead of a burden. Incarceration was, and remains, “the detestable solution, which one seems unable to do without” (Foucault, 1995, pg.232).

Correctional privatization has deepened the correctional well so to speak. Private interest has made incarceration even more difficult to abandon as entire domestic economies are built upon the continuance of localized incarceration. Furthermore, governments who contract correctional services to private corporations for cost cutting measures will soon be faced with increased correctional budget demands. Since cost cutting measures have typically garnished positive results and widespread support (figures anywhere between 10-15% cost savings) this does little to deter increasing pressure from lobbyist groups, headed by private correctional providers, who promote aggressive criminal legislation to thereby increase prison populations 10-15%. We are arriving at that point when correctional budgets spiral out of control and private correctional providers, holding long term government contracts, minimize the possibility of redefining incarceration as abnormal.

*5.1.3. Breaking Free: Public and the Panopticon*

Bentham's idea of the panopticon fundamentally changed the manner in which prisons were constructed. Conceptually the panopticon is designed to allow one individual to survey many (Foucault, 1995). This tool of omnipresence has several functions. First and foremost it allows the recording of a limitless amount of physical data. Second, the panoptic design ensures that those being watched, regardless of whether they are actually being surveyed at that particular moment, feel in their self, the presence of another watching. In this way, there exists a substantial locus of control flowing over the inmate at all times.

There is a metaphoric link between Bentham's panopticon and the internet as a research tool. The breadth of information available to online users creates a sense of a panoptic environment: one user able to view large amounts of data. However the new economy of power has fundamentally altered the relationship between researcher and subject.

To begin, it is important to understand the power that exists from the creators of the online websites and webpages that are available for public viewing. Not only can information change at a moment's notice but the availability of that information can change as well. For example, several corporations under study had entire sections of their website unavailable for public viewing. These "webpage construction" sites are not random; they are pre-planned maintenance by a designer to change or alter information. Both information updating and the ability to construct and restrict information are quite important for future consideration.

It is not surprising that the physical walls and bureaucratic regulations that keep public eyes away from the inner workings of prisons should also be present through technology. Secure intranet and employee only login accounts keep inter-correctional matters secure while



information that is constructed and updated on corporate websites offer a less than accurate portrayal of incarceration. Furthermore, public access requests for information must not only get approval from government or state authority but must also garner support from the corporation that manages the prison. Needless to say, the dichotomy of power between public and corporate favours the corporation. Not only does the corporation construct the information that is found on their websites, but this information can change at any time, become unavailable at anytime, can remain hidden through secure portals, and all the while, the corporation remains the singular authority to change any of these factors.

The panoptic environment also serves another function. In the eyes of the readers of online material it could be argued that the functioning of justice is established. Recall “the major effect of the Panopticon - to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power” (pg. 201). This could be applicable to online viewership of material. In this way, the online viewer acknowledges the material as an indication of the state’s unequivocal “power over” and the ongoing function of correctional machinery.

#### *5.1.4. From Power of Government to Power of Corporation*

It is important to remember that the power that corporations have successfully garnished in The United States of America is the result of a neo-liberal political ideology that supports a minimalist government (Garland, 2001, Selman & Leighton, 2010). Under this political ideology pundits argue that big government is the problem. They argue that competition between corporations will provide better results than publicly managed companies, resulting in better cost-quality-value savings for taxpayers. Furthermore, avoidance of costly litigation suits and the

ability to increase public perception of electoral candidates during elections have all contributed to widespread adoption of correctional privatization in the United States.

It is clear that the new economy of the power to punish is shifting from government responsibility toward corporate authority. And while corporate activity within corrections has always been there, it has shifted from “behind the scenes” toward an “in your face” public relationship. Corporations are making hundreds of millions of dollars in profit, on the backs of taxpayers, continuously pushing for harsher sentences and aggressive criminal justice legislation that serve to boost inmate intake by drawing prisoners from the most vulnerable segments of society. Corporations have commodified, normalized, and secured the idealism of incarceration into the fabric of society. Foucault’s (1995) “new economy of power” is no longer the King who removes public torture for self serving power concerns, the courts who are established alongside an array of correctionalist machinery, or an overarching and pure democratic government; it is now embedded in multinational corporations who have been granted the power to punish, the power to profit, and the power to dictate liberty. It is fitting that Foucault (1995) reminds us that “the bourgeoisie was to reserve to itself the illegality of rights...ensuring for itself an immense sector of economic circulation by a skilful manipulation of gaps in the law” (p.87).

## **5.2. The Evident Nature of Neo-Liberalism via Online Material**

Neo-liberalist economic policy has several tenets that include a belief in the free market, service privatization, deregulation of traditional public function, commodification, and competition. While each of these aspects have been explored throughout previous chapters, two specific and important findings - prisoner commodification and the transference of government responsibility to corporate power - will be further evaluated.

Comparison can be made between corrections and education. For example, while primary and secondary education remains a government function, post-secondary and trade school facilities typically operate privately. These private institutions in conjunction with businesses and the job market create an allure for diploma and degree attainment, thus making post secondary accreditations valued by certain segments of society. While this is a generalization, diplomas and degrees become a commodity, something that can be bought and sold on the free market.

It is important to note that diplomas and degrees are not the only asset commodified in this process. Indeed, students, teaching assistants, and professors all become a commodity within this system. Increased admission to post secondary facilities is encouraged under a basic economic concept of supply and demand; the more valued and demanded these accreditations become in the workplace cause increased pressure for post secondary facilities to recruit and enroll students. Students are thus commodified by post secondary facilities who seek greater student populations which inevitably increase revenue.

Post secondary education is underscored by neo-liberalism, specifically, the dominance of individual choice. Both post secondary admission and success is largely determined by individual choice, much like traditional views on the individual choice to commit a criminal act. Both facilities enforce and believe individuated choice and omit broad systemic issues that impact their operation. For example, post secondary institutions ignore broad issues such as inequality, ability, and general life conditions of applicants and students much like the correctional system ignores the same broad issues that influence an individual to commit a criminal act. Neo-liberal belief in individual rational choice drives educational and correctional machines alike.

While prisoners are not rewarded in the same manner as students or professors they share the experience of commodification under correctional privatization. Under public ownership, there exists an abundant supply yet no public demand for more correctional admissions. However private interests have fundamentally altered this relationship. Not only is the supply of inmates important for private interests but the demand is equally important. Correctional facilities need inmates to enter their gates to generate revenue. In this regard, it is clear that inmates have been transformed from economic nuisance to privately proclaimed economic saviours.

While post secondary institutions have different ways to attract potential students, such as the “prestigiousness” of the school, the programs offered, sports programs, scholarships, research interests, and faculty, correctional facilities also have unique methods to fill empty space. These tactics generally include pressure to have tougher criminal legislation in key areas, such as anti-drug laws, immigration laws, and mandatory minimum sentence laws to increase prison admission. Furthermore, increasing fear throughout society to indicate a supposed “real crime problem” alongside private claims of community economic progress through prison construction and localized operations is used to create an increased demand, from both government and the public, for prisons and prisoners.

The transfer of government function to corporate power is striking. Indeed as Henry Giroux (2004) asserts, “the increasing influence of money over politics, the increasing domination of public concerns by corporate interests, and the growing tyranny of unchecked corporate power and avarice” lead to the realization that “neo-liberal capitalism is not simply too overpowering; on the contrary, democracy is too weak” (pg.108). While Foucault’s writing explored the transference of the power of the monarch to the power of appointed officials, this

trend is seemingly reversed, with the power of these officials transferring to corporate “monarchs”.

It is exactly this process that Chris Hedges (2011) refers to as inverted totalitarianism in which:

(i)t finds its expression in the anonymity of the corporate state. The corporate forces behind inverted totalitarianism do not, as classical totalitarian movements do, replace decaying structures with new, revolutionary structures. They do not import new symbols and iconography. They do not offer a radical alternative. Corporate power purports, in inverted totalitarianism, to honor electoral politics, freedom, and the Constitution. But these corporate forces so corrupt and manipulate power as to make democracy impossible (pg.24).

The transfer of public authority to corporate interests is an alarming concern. As this paper has highlighted, democracy is weakened when private interests come into play. As Chris Hedges (2011) points out, “the inability of the liberal class to acknowledge that corporations have wrested power from the hands of citizens, that the Constitution and its guarantees of personal liberty have become irrelevant, and that the phrase *consent of the governed* is meaningless, has left it speaking and acting in ways that no longer correspond to reality” (pg. 9). Henry Giroux furthers this point stating that “wedded to the belief that the market should be the organizing principle for all political, social, and economic decisions, neoliberalism wages an incessant attack on democracy, public goods, and noncommodified values” (Giroux, 2004, pg.XII).

The transference of power to corporations is not something that occurred without warning. The very essence of neo-liberalism, the fundamental ideology of the American political system cause governments to relinquish power based on the belief in the free market and limiting the power of the government. It becomes evident that “the privatization of government functions

has at once empowered corporate dominance and weakened the traditional role of government” (Hedges, 2011.pg.42).

It would be an understatement to assert that corporate rule in corrections is troublesome, as the corrections industry currently employs more than the auto industry at nearly 750 000 jobs in the United States alone (CNBC, 2011). While employment figures alone are not particularly troublesome, the problem for government support of correctional privatization is that:

corporations are not concerned with the common good. They exploit, pollute, impoverish, repress, kill, and lie to make money. They throw poor families out of homes, let the uninsured die, wage useless war to make profits, poison and pollute the ecosystem, slash social assistance programs, gut public education, trash the global economy, plunder the U.S Treasury and crush all popular movements that seek justice for working men and women. They worship money and power (Hedges, 2011.pg.17).

Commodification and transference of government power were highlighted throughout the data. As chapter four explored, these themes emerged as online material supported Neo-liberal belief; a belief in the free market, the failures of ‘big government’, and the benefits for communities that allow prison construction and operation within their county. The widespread acceptance of privatization, inconclusive comparative results from academia assessing whether public or private correctional facilities are best, continuance of racial inequality and aggressive criminal legislation create an environment in which the abolishment of private corrections, indeed incarceration in general, almost impossible to foresee. The landscape of correctional management has reverted from Foucault writings of the transference of monarchical power to subsidies toward modern writings of inverted totalitarianism stemming from government allowances of punitive power to corporations.

Privatization, deregulation, and competition were perhaps the first formation of neo-liberal doctrine in corrections. It is no surprise that the following tenets - commodification and corporate totalitarianism - logically follow. It is at this stage of neo-liberalism that we stand. Private enterprise has been established amongst several others, inmates are becoming commodities, and public prisons are being replaced by private facilities. At this juncture neo-liberal ideology has engulfed correctional practice.

### **5.3. The Misrepresentation of Information and the Continuance of Incarceration**

Through comparative assessment it is clear that corporations who operate correctional facilities do not disclose information that goes against their central ideology, mainly, that incarceration is the best and certainly the only method of dealing with America's crime problem. While academic literature is ripe with alternative methods of justice that limit the use of incarceration corporations largely omit alternative measures and focus their attention on expansion and real estate development, procuring more land and space to build uncontested prisons.

To further complicate matters many corporations employ the use of company owned research institutes that self publish information that is then presented on webpages for public consumption. Ironically, the content of these papers narrowly focuses on managerial aspects of operating a correctional facility. Issues such as officer retention, institutional accreditations and national awards make the bulk of these self published reports. Key issues such as recidivism, inmate demographics, crime rates, conditions of prison, or health care within prison are visibly absent. The irony of this scenario is that criminologists have longed search for access beyond the walls of prison, to get candid qualitative and objective quantitative data to assist government to

create new policies and procedures. These corporate operated research groups have this access but seemingly refuse to use it for substantial and progressive correction based research, instead favouring mediocre research of the mundane. While this trend is not surprising, it is certainly alarming and deserves more attention.

We should direct our attention to the messages that are conveyed online. First and foremost, constructs of rampant crime, dangerous drug addicted offenders, and terrorist immigrant groups create a view of a dangerous underclass living in the shadows of society. Offenders are not given a voice; instead, offenders are vaguely described through inference based claims. For example, consider the program lists provided by Corrections Corporation of America. These programs do not promote a positive outlook of the offender population whatsoever.

- Attendance
- Career exploration
- Following instructions
- Hygiene
- Job lead sources
- Proper attire
- Punctuality
- Time management

Under the aforementioned conditions corporations create the illusion that tougher crime bills and harsher determinate sentencing is required. By creating societal fear corporations can lobby for tougher criminal legislation ultimately increasing prison admissions and the construction of more privately owned prisons. In addition, the typical individualistic characteristics of offenders are called into question. Not only are broad systemic issues ignored, but unfair pressure on the individual offender are highlighted without any establishment of



individuated context that would explore the individual environment and general character more specifically.

Another key construct was the positive impact that prisons have on local communities. When incarceration is linked to positive community initiatives local communities, some if not most of whom are reeling after economic downturns, find a paradoxical comfort knowing that a prison is coming to town. The corporate data clearly show that communities are represented as being economically strengthened through the massive buying power of the facility along with localized employment. Of course all of these trends have been refuted through academic papers and televised media reports that show decreases to property value, out of county employment, and facility expenditure into the local economy weaker than originally promised (CNBC, 2011; Hudson, 2006; Mosher, Hooks, & Wood, 2005).

Through this misrepresentation of fact incarceration remains “the answer” rather than “an answer” for crime. For example, while incarceration remains an undeniable tool in the general tool box combating crime, if the only available tool is a hammer, then every problem will look like a nail (CNBC, 2011). Rather than exploring criminal justice alternatives focus is directed toward positive community developments, safety, and profit while primary issues like recidivism, quality assurance, healthcare, and offender demographics remain mute. In this way, private correctional providers highlight the positive side of corrections while ignoring the devastation that occurs not only within its walls but also outside of them. Issues such as offender displacement and removal from original communities, over incarceration of minorities and the broad array of social factors that contributed to a prison sentence in the first place are completely, perhaps strategically, absent.

#### **5.4. Limitations**

The current study employed a content driven analysis of online websites. As such, the collected material was subjectively recorded, coded, and summated causing potential confounds involving researcher subjectivity. Despite this potential limitation it should be noted that data were analyzed until saturation emerged; in other words, data were reviewed and re-coded until no original themes emerged. In this regard, the subjectivity of the researcher is balanced via thoroughness.

Subjectivity as a limitation is also remedied when original intent of the research is considered. In this paper, the goal was to contrast website data that would be consumed by interested readers against the academic literature, a privileged place that the majority of readers may not have access to. In this regard, the subjectivity and experience of the researcher allows relatively accurate comparisons to occur. Furthermore, this paper cannot say with any authority which particular information that readers chose to read, understand, or create lasting impressions of. The individual readers experience is not within the scope of this paper.

The internet as a data collection site is also problematic. First and foremost the internet is a constructed reality imposed by creators. In this sense, the content presented is a construction of human labour and includes the subjectivity of the creator. However this limitation does not impact the current study, as explained earlier, the purpose was to compare online material against academic literature. Second, the internet poses a significant threat to future research and the replicability of the current study. For example, content that is found on the website can dramatically change over time. The fluidity of online creationism/destruction means that the

corporations under study in this paper could theoretically (and practically) alter content to avoid critical discussion, or in a more sinister approach, remove access altogether.

The limitation of fluidity is not significantly damaging to the current study. While the nature of the online content may change over time it does not infer that this specific content never existed at all. Therefore, whether content is created or destroyed its relative existence in time will remain forever tied to this individual study.

### **5.5. Directions for Future Research**

Vigilance within the realm of corrections, more specifically, correctional privatization must remain a focal point for research. Meta-analyses, case studies, and qualitative/quantitative studies must evaluate the myriad of variables that exist between private and public corrections. Of course, researchers must not fall into the abyss that Immarigeon (1985) warns, that discussions of correctional privatization is simply “old wine in new bottles” (pg.65) and that diversion tactics such as debates surrounding correctional privatization that presuppose acceptance of incarceration as the dominate method of punitive social control must be curtailed. Moving forward will require us to step back in a reflexive process to evaluate our path.

Policy implications present themselves through the current research. First, corporate accountability to ensure that the information presented to the public is indeed accurate should be enforced. Indeed any provider of a service, especially one that deals with punitive control, ought to have some form of public accountability through government approved reports or third party research that is separate from corporate directed research groups. Second, judicial sentence determinacy should be replaced with the traditional style of indeterminate sentencing. As previously explained, judicial determinacy, such as mandatory minimum sentencing, should be

replaced with indeterminate sentencing to reduce extended prison sentences for low risk and non-violent offenders.

Pressure at the sub-government level must be carefully observed. For example, Joe Warmington (2012) notes that “registered as a lobbyist in Ottawa on crime bill issues in none other than the GEO Group Inc” (p.10). As pressure for harsh punitive justice increases so too does the threat of correctional privatization spurred through lobbyist organizations.

Another key direction for future research is the ability to evaluate how aggressive criminal legislation such as the Canadian 2012 Omnibus crime bill impact corrections. Specifically, comparative analyses comparing the relationship between aggressive criminal legislation and correctional privatization must be continuously developed to understand this unique relationship. While this relationship has been explored in great detail in the United States, little research has been developed in Canada regarding the impact of privatization and the relationship between aggressive crime bills and the need to privatize. While Canada has had experience with privatization, including a comparative experiment between two identical prisons which resulted in the abandonment of correctional privatization in Canada, the details of this process are nearly impossible to find. It is therefore imperative that correctional research in Canada increases force, as the factors that ultimately lead to America’s prison explosion, are beginning to surface within Canadian correctional ideology.

Fourth, experimental research to evaluate readers’ perceptions of the material that is found online should be developed. In doing so, evaluations of individual perception regarding incarceration, the operations of private corrections and neo-liberalist ideology can be tabulated at an individual level. While this paper was exploratory, future research should employ an

experimental or quasi-experimental design to assess what individual viewers actually take away from these online sites.

As results indicate, immigration offenders are increasingly being sent to private facilities. It's clear that marginalized populations remain a target of correctional justice. As chapter four highlighted, private companies are increasing their presence via partnerships with the U.S. Marshall Service and the United States Immigration and Customs Enforcement (ICE) resulting from aggressive criminal justice legislation such as the U.S. Patriot act (Giroux, 2004). As Cody Mason (2012) explains:

Between 2008 and 2010, the number of privately-held inmates decreased by 1,281, while the number of privately-held detainees increased by 3,327. This growth was part of a larger trend that saw the total private detainee population increase by 259 percent between 2002 and 2010; a change largely due to stepped up efforts to find, incarcerate, and deport people who violate immigration laws. There are indications that federal detention will remain a major market for private companies (pg.4).

Not only have federal and state inmate figures increased between 2002 and 2010 but a dramatic increase in the number of federal and state detainees has also occurred. For example, Figure 1 highlights how over the course of 8 years prisoner and detainee admission to private facilities have steadily increased, with a pronounced increase in both federal and state detainees that are mainly comprised of immigration offenders.

<b>Private Prisoners</b>	<b>2002</b>	<b>2010</b>	<b>Change 2002-2010</b>
State Prisons	73,497	94,365	+28%
Federal Prisons	20,274	33,830	+67%

<b>Private Detainees</b>	<b>2002</b>	<b>2010</b>	<b>Change 2002-2010</b>
ICE	4,841	14,814	+206%
U.S. Marshalls	4,061	17,154	+322%

Figure One – Adapted from Mason, C. (2012, pg.4)

Finally, future research must continue to explore how neo-liberal ideology influences corrections. This paper highlighted the fundamental cornerstones of neo-liberalism which include: privatization, commodification, the hollowing out of “big government”, and the forceful impact removal of public governance. For example Mel Kelly (2012) describes G4S’ (a private corporation located in the UK and the world’s largest private security provider) privatization surge in the UK:

What no coalition minister has made clear, as they use their power to fast track the privatisation of Britain’s public sector, is what happens when a foreign company or hedge fund takes over G4S. Could faceless, foreign corporate entities take control of our policing, our courts, the security of GCHQ, our criminal justice files, our prisons, probation services, and the smart meter data centres...

Meanwhile “G4S runs Lincolnshire’s police cells and police control rooms (with only two police officers supervising), its crime management bureau, ticket office, collisions units, criminal justice units, firearms licensing, the hiring and firing of police officers, and police computers as well as fleets of police cars, police procurement and police finances” (Kelly, 2012).

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